

M(2) – 27 FEBRUARY 2024

# Ordinary Council Meeting

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Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **27 February 2024** and commenced at **5:00pm**.

## **PRESENT**

### **COUNCILLORS**

Cr John Forsyth - Mayor

Cr Simon Kelley – Deputy Mayor

Cr Ron Janas

Cr Katarina Hughes (attendance via electronic means)

Cr Tony Keeble

Cr Sarah Nicholas

Cr Kelli Prime (attendance via electronic means)\*

*\*Cr Prime attended the meeting via virtual means however during various stages of the Ordinary Council Meeting, experienced connectivity difficulties including items 8.3.3, 8.3.4, 8.3.5 and item 9 on the agenda in accordance with Council's Governance Rules G2.12.*

*This is noted in the minutes by all those being present using the words carried as opposed to carried unanimously.*

### **OFFICERS**

Will Jeremy - Chief Executive Officer

Helen Havercroft - Director Customer and Community

Alan Rees - Director Assets

### **APOLOGIES**

Nil

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## 1. Recording and livestreaming of Council meetings

*The CEO read the following statement:*

All council meetings are filmed with both video and audio being recorded.

Video is focused on a specific area however audio from the entire room is captured.

In common with all narrative during Council meetings, verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes. By submitting a question, you consent to your question being read aloud at the meeting.

The reasoning behind recording council meetings is to hold us more accountable and improve transparency of Council's decision-making to our community.

The full meeting is being streamed live on Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel shortly after this meeting.

## 2. Acknowledgement of traditional custodians, and recognition of all people

*All to stand, the Mayor read the following statement:*

Alpine Shire Council acknowledges the Taungurung peoples as the Traditional Owners of the lands on which we are meeting today. Council also acknowledges all of the Traditional Owners of the wider lands of the area known as the Alpine Shire.

We also acknowledge those people who have contributed to the rich fabric of our community and strive to make wise decisions that will improve the quality of life for all.

## 3. Confirmation of minutes

### 3.1 ORDINARY COUNCIL MEETING – M(1) – 30 JANUARY 2024

*Cr Janas*

*Cr Kelley*

*That the minutes of Ordinary Council Meeting M(1) held on 30 January 2024 as circulated be confirmed.*

*Carried Unanimously*

## 4. Apologies

Nil

## 5. Obituaries / congratulations

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.

## 6. Declarations by Councillors of conflict of interest

Nil

## 7. Public questions

Questions on Notice will be limited to two questions per person.

Written Questions on Notice will be tabled ahead of questions from the floor.

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.

*Cr Prime attended the meeting via virtual means however during various stages of the Ordinary Council Meeting, experienced connectivity difficulties including items 8.3.3, 8.3.4, 8.3.5 and item 9 on the agenda.*

*This is noted in the minutes by all those being present using the words carried as opposed to carried unanimously.*

## 8. Presentation of reports by officers

### 8.1 CHIEF EXECUTIVE OFFICER – WILL JEREMY

#### 8.1.1 Contracts approved under delegation by CEO

*Cr Janas*

*Cr Kelley*

*That the Capital Project Contracts approved under delegation by the CEO be noted.*

<i>Contract No:</i>	<i>Resealing and Asphalt Program 2023/24</i>	<i>Process: Public Tender</i>
<i>Title:</i>	<i>Myrtle Street Service Lane Reconstruction</i>	
<i>Tenderer:</i>	<i>Stadelmann Group Pty Ltd</i>	
<i>\$ (excl. GST):</i>	<i>\$99,083.10</i>	

<i>Contract No:</i>	<i>Kerb and Channel Renewal 2023/24</i>	<i>Process: Public Tender</i>
<i>Title:</i>	<i>Kerb and Channel Renewal</i>	
<i>Tenderer:</i>	<i>LM - Landscaping &amp; Irrigation Pty Ltd</i>	
<i>\$ (excl. GST):</i>	<i>\$141,251</i>	

<i>Contract No:</i>	<i>Resealing and Asphalt Program</i>	<i>Process: Public Tender</i>
<i>Title:</i>	<i>Standish Street Roundabout Asphalt Overlay</i>	
<i>Tenderer:</i>	<i>Bitu-Mill Pty Ltd</i>	
<i>\$ (excl. GST):</i>	<i>\$129,547.96</i>	

*Carried Unanimously*

## 8.1.2 1-3 Anderson Street, Bright

### INTRODUCTION

This report relates to an opportunity for Council to purchase the freehold site and the fuel service station business located at 1-3 Anderson Street, Bright, for the purpose of facilitating a future redevelopment of the site to enable an upgrade of the intersections between Star Road, Gavan Street and Anderson Street.

*Cr Keeble*  
*Cr Nicholas*

*That Council:*

- 1. Notes that a non-binding Expression of Interest has been submitted on behalf of Council for the purchase of the freehold site and fuel service station business located at 1-3 Anderson Street, Bright, and notes the conditions associated with the Expression of Interest as stated in this report;*
- 2. Notes that community engagement will be carried out in relation to the potential purchase over a three-week period from 28 February to 19 March 2024 in order to inform Council's decision making; and*
- 3. Considers a recommendation following community engagement and due diligence in relation to 1-3 Anderson Street, Bright at a future Council meeting.*

*Carried Unanimously*

### BACKGROUND

In late November 2023, 1-3 Anderson Street, Bright (the 'Shell Service Station') was offered for sale through an Expression of Interest process. It is understood that a fuel service station has operated from this site since 1962, and the site has been in the same ownership since 1992.

This site has previously been identified by Council officers as having potential strategic value for the community given its location. A traffic assessment carried out in 2022 determined that key road intersections in the Bright Central Business District (CBD) were operating at the time under 'excellent' conditions and the road network performing with a 'high level of service'. However, it was noted that based on high-level modelling, the capacity of Gavan Street to accommodate vehicular traffic during peak periods might be exceeded in as little as eleven years. Emergency Services stakeholders surveyed as part of the traffic assessment were noted as consistently identifying difficulties in travelling through central Bright during peak periods due to congestion. Right turn movements in the vicinity of the Star Road/Gavan Street intersection were observed to impede traffic movement and result in delays, albeit moderate.

Whilst an upgrade of the Star Road/Gavan Street/Anderson Street intersection is not considered a high priority today, given the knowledge that traffic movements within the Bright CBD may become increasingly constrained in the medium term based on current modelling of increasing traffic volumes, it is considered incumbent on Council to

evaluate the unique opportunity that the acquisition the Shell Service Station site might present for addressing the shortcomings of the existing intersection design. It cannot be foreseen when this site might next become available for purchase.

The Confidential Information Memorandum was acquired, and a preliminary assessment was carried out, which included commissioning an independent valuation of the freehold site and fuel service station business and a high-level technical assessment of the opportunity that acquisition of the site would present for an upgrade of the Star Road/Gavan Street /Anderson Street intersections.

On the basis of this preliminary assessment, an Expression of Interest was submitted on behalf of Council on 19 January 2024. Conditions associated with this Expression of Interest are:

1. A clean environmental report
2. A formal decision to purchase made by Council in accordance with the requirements of the Local Government Act
3. Appropriate due diligence leading to Contract of Sale

Council officers are currently working through a due diligence process to support a recommendation to Council for a decision at a future Council meeting.

## ISSUES

### ***Bright Strategic Traffic Assessment***

In 2022, the Bright Strategic Traffic Assessment was conducted to investigate the effects of traffic and car parking demands on the town with respect to amenity, safety, and operation and to inform further actions, if required. The study area for the Bright Strategic Traffic Assessment comprised the central portions of Bright township between Station Street in the west and Churchill Avenue in the east. The survey was conducted during school holidays and included the Australia Day long weekend in January 2022.

### ***Bright Strategic Traffic Assessment - Summary of Key Conclusions***

*Traffic volumes across the network do not exceed capacity having regard to the function and cross-section of each road. Daily volumes are all less than 70% of typical daily capacity, even during peak holiday periods.*

*Peak-hour intersection modelling suggests that all intersections are operating under 'excellent' conditions, with only modest queueing and delays, and no upgrades or interventions are warranted on a capacity basis. Even accounting for the busiest periods during a week-long survey, the road network was performing with a high level of service.*

*Origin-destination data suggests that traffic entering Bright is relatively evenly distributed across multiple destinations, indicating that through-traffic is not a contributor to perceived traffic issues. Noting that daily and peak-hour traffic remains comfortably within capacity, there is little justification as a result for establishing an Alternative Route or Bypass at this stage. Should traffic volumes increase from that surveyed during the summer peak (e.g., due to ongoing residential development or tourism increases) then it would require growth of approximately 50% on central Gavan*



*Street until traffic volumes exceed capacity, and an Alternative Route or Bypass may be warranted. High-level modelling undertaken for the Bright Western Gateway suggests residential development in this area may contribute approximately 1,350 additional vehicle movements into central Bright. Allowing for a further 2% annual growth rate, the nominal 12,000 vehicle-per-day capacity on central Gavan Street may be exceeded in 11 years.*

*Emergency Services stakeholders consistently identified difficulties in travelling through central Bright during peak periods due to congestion. Traffic analysis suggests intersection performance is within acceptable bounds for general traffic use, however this modest level of traffic congestion may not be appropriate in an emergency context.*

### ***Bright Strategic Traffic Assessment - Qualitative observations***

#### **Gavan Street/Star Road:**

- *Right turn into service station blocks through traffic on Gavan Street*
- *Modest delays for drivers exiting Star Road*
- *Right-out movement is critical and can briefly generate queues up to five vehicles, but tends to clear quickly*

#### **Gavan Street/Anderson Street**

- *Typically free flowing traffic*
- *Minimal queueing*
- *Driver delays are generally only a few seconds*
- *Pedestrian facilities could be improved, but do not cause significant pedestrian delay*

### ***Additional Potential Benefits***

The following additional benefits might be realised for the community in the event that the site was acquired and redeveloped by Council:

- Improved pedestrian and cyclist safety at the key Star Road/Gavan Street/Anderson Street intersections
- Improved amenity including additional of high-value public open space at a key entry point to the Bright CBD
- Improved vehicular evacuation route from the north side of the Ovens in the event of bushfire.

## **POLICY IMPLICATIONS**

The potential purchase of 1-3 Anderson Street and the associated fuel service station business triggers the requirement for Council to engage with the community in accordance with Council's Community Engagement Policy.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

## FINANCIAL AND RESOURCE IMPLICATIONS

An independent valuation of the site and the fuel service station business and a high-level assessment of the liability associated with the underground infrastructure were commissioned on behalf of Council as part of the preliminary assessment, and this information was used to inform the Expression of Interest submitted on behalf of Council.

Independent advice has subsequently been sought as part of the ongoing due diligence process to validate the information acquired during the preliminary assessment and establish confidence in the assessment of market value for both the freehold site and the fuel service station business.

The implications on Council's Financial Plan of a potential purchase and future redevelopment of the site are being assessed.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Poor quality decision-making.	Possible	Major	<ul style="list-style-type: none"> <li>• Thorough due diligence process to ensure Council is fully informed at the point where a recommendation is presented for consideration and a decision.</li> <li>• Engagement of specialist consultant advice where this knowledge does not sit within the Council administration team.</li> <li>• Community engagement carried out in accordance with Council's Community Engagement Policy.</li> </ul>

## CONSULTATION

Council officers will engage with the community to obtain public feedback on the opportunity under consideration and to hear about potential alternative options.

The level of engagement which will be carried out is 'consult' as described in section 3.2.5 of Council's Community Engagement Policy.

Information relating to this opportunity will be shared with the public through Council's online engagement platform 'Engage Alpine', through Council's website and also made available on request at the Bright Office, Myrtleford and Mount Beauty Libraries. Very limited information is available, and this information does not include concept/detailed designs or artistic impressions showing how a redevelopment of the site might look in the future.

The community will be given with the opportunity to provide feedback preferably through Council's online engagement platform 'Engage Alpine', but also in writing submitted via email or in hard copy delivered to Council's Bright Office.

However, neither the Expression of Interest nor the independent valuation of the freehold site and the business will be shared with the public ahead of Council making a decision in relation to the potential purchase, because these documents contain Confidential Information, being information that would prejudice Council's position in commercial negotiations if prematurely released.

## **CONCLUSION**

Council has a unique opportunity to purchase the freehold property 1-3 Anderson Street, Bright, together with the fuel service station business to facilitate a future redevelopment of the site for the purpose of facilitating road intersection upgrades.

A non-binding Expression of Interest has been submitted on behalf of Council and a comprehensive due diligence process is underway.

A community engagement process is planned in accordance with Council's Community Engagement Policy.

## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Chief Executive Officer

## **ATTACHMENT(S)**

Nil

## 8.2 DIRECTOR ASSETS – ALAN REES

### 8.2.1 Funding Applications Update

#### INTRODUCTION

This report relates to recent applications made by Council to available grant funding opportunities to support infrastructure projects.

*Cr Janas*  
*Cr Keeble*

*That Council:*

- 1. Notes the recent application made to the Australian Government's Bridges Renewal Program Fund for the Star Road Bridge Upgrade with a maximum Council co-contribution of \$130,000;*
- 2. Notes the recent application made to the Victorian Government's Local Sports Infrastructure Fund with a maximum co-contribution of \$173,518 for the following projects; and*
  - a. Dinner Plain Pump Track Construction*
  - b. Mount Beauty Recreation Reserve Oval Lighting Upgrade*
  - c. Les Pert Oval Facility Concept Design*
- 3. Approves expenditure up to the maximum Council co-contribution for each project in the event that one or more funding applications is successful.*

*Carried Unanimously*

#### BACKGROUND

Recently Alpine Shire Council has had the opportunity to apply for funding to the Australian and Victorian Governments for infrastructure grants. Following an assessment of Council's Project Pipeline, it was determined that specific infrastructure projects met the criteria of the Australian Government's Bridges Renewal Upgrade Fund and the Victorian Government's Local Sports Infrastructure Fund (LSIF).

##### ***Bridges Renewal Upgrade Fund***

The Australian Government established the Bridges Renewal Upgrade Fund which has been providing at least \$85 million per year to fund the upgrade and replacement of bridges to enhance access for local communities and facilitate higher productivity vehicle access.

Council assessed potential projects against the Fund selection criteria, and it was determined that the Star Road Bridge Upgrade best met the criteria. An application was made in December 2023 for the upgrade and widening of the bridge, and the replacement of the guardrail and pedestrian walkway.

### ***Local Sports Infrastructure Fund***

The Victorian Government's Local Sports Infrastructure Fund is a state-wide competitive program that provides a range of grant opportunities across three funding streams; Community Facilities, Community Sports Lighting, and Planning.

The fund is underpinned by the Department of Jobs, Skills, Industry and Regions' priorities to create more opportunities for people through skills and jobs, help businesses and industries to thrive and build vibrant communities and regions.

Following an assessment of Council's Project Pipeline, it was determined that the following projects best met the grant criteria across each funding stream and are sufficiently well developed to be deliverable within the nominated grant timeframes:

Fund Stream	Project	Funding Request	Council's Contribution
Community Facilities	Dinner Plain Pump Track	\$230,476	\$76,852
Community Sports Lighting	Mount Beauty Recreation Reserve Lighting Upgrade	\$250,000	\$83,333
Planning	Les Pert Oval Facility Concept Design	\$40,000	\$13,333
<b>Total</b>		<b>\$520,476</b>	<b>\$173,518</b>

### **ISSUES**

The need to work within the constraints of any applicable heritage controls is recognised and acknowledged for the Star Bridge in Bright.

### **POLICY IMPLICATIONS**

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

### **FINANCIAL AND RESOURCE IMPLICATIONS**

If Council is successful in its application to the Australian Government's Bridges Renewal Upgrade Fund and for all three applications to the Victorian Government's Local Sports Infrastructure Fund, a maximum co-contribution of \$130,000 and \$173,518, respectively, will be required.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Grant announcements are made after the 2024/25 Budget has been adopted, and expenditure is not captured in the 2024/25 budget.	Possible	Minor	<ul style="list-style-type: none"> <li>Council will be notified in the event of a successful funding application occurring after the budget is adopted. The projects for which funding is secured will be delivered as unbudgeted projects.</li> </ul>

## CONSULTATION

The projects that have been nominated are identified as high priorities on Council's Project Pipeline. Consultation has been undertaken to ensure that the community and referral agencies are supportive of the projects which have been nominated. The projects that have been nominated have been selected based on their alignment with the funding eligibility and evaluation criteria.

## CONCLUSION

Council has recently submitted applications aiming to secure significant grant funding for infrastructure projects. These opportunities exist across the Australian Government's Bridges Renewal Upgrade Fund and the Victorian Government's Local Sports Infrastructure Fund.

## DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Engineering and Assets

## ATTACHMENT(S)

Nil

## 8.2.2 Myrtleford Transfer Station Office Construction and Fit Out

File Number: CT23086

### INTRODUCTION

This report relates to the award of a contract for the Myrtleford Transfer Station Office Construction and fit out.

*Cr Keeble*

*Cr Nicholas*

*That Council:*

- 1. Approves total unbudgeted capital expenditure of \$213,333 (GST exclusive) as a co-contribution towards the Myrtleford Transfer Station Office Reconstruction and Tip-Shop project, of which a lump sum amount of \$199,856 (GST Exclusive) is awarded under Contract No. CT23086 to Colin Joss and Co Pty Ltd T/A Joss Facility Management for the Myrtleford Transfer Station Office Construction and Fitout.*
- 2. Delegates authority to the Chief Executive Officer to sign and seal the contract at an appropriate time.*

*Carried Unanimously*

### BACKGROUND

In March 2023 Alpine Shire Council applied for funding under Sustainable Victoria's Circular Economy Councils Fund Round 3, to implement a Tip Shop at Myrtleford Transfer Station. The Circular Economy Councils Fund supports Victorian local governments to implement projects that will focus on reducing the volume of waste going to landfill; increasing the volume of materials reused, repaired, repurposed, or recycled; boosting local circular economy activity and jobs.

Council's funding application for the construction and implementation of a Tip Shop at the Myrtleford Transfer Station was successful and the Funding Agreement for Circular Economy Councils Fund Round 3 commenced 27 September 2023.

The project includes fit out of a Tip Shop, construction and fit out of the Transfer Station office and road/carpark upgrades for public access.

An upgrade of the Myrtleford Transfer Station office was incorporated into the Tip Shop implementation project and included in the grant application. Upgrading the transfer station office will ensure transfer station staff will be equipped with the appropriate facilities to be able to operate a tip shop alongside their existing transfer station duties.

An outcome of adding the Transfer Station Office to the project is that the transfer station office upgrade is partially funded under Sustainable Victoria's Circular Economy Councils Fund Round 3 grant.

## **EVALUATION**

The tender was advertised in the Herald Sun on the 20 December 2023, as well as on Tenders.net and the Alpine Shire Council website.

A total of 12 prospective tenders downloaded the document and one (1) submission was received.

The key selection criteria listed in the Invitation to Tender were:

1. Price
2. Qualifications and previous performance
3. Delivery
4. Social
5. Environmental Sustainability

Following the assessment of the tenders, it was determined that the tender from Colin Joss & Co Pty Ltd T/A Joss Facility Management met all the requirements of the selection criteria and provided best value for Council.

## **ISSUES**

The Sustainable Victoria grant required Council to commit to cash and an in-kind co contribution of \$213,333 (GST exclusive) and \$11,666, respectively. Total funding contributed by Sustainability Victoria for this project is \$106,666.

Notification of a successful grant application was received after the 2023/24 Budget had been adopted by Council, and the project has been progressed to date as unbudgeted expenditure. Award of the tender is contingent on approval by Council of the unbudgeted capital expenditure.

## **POLICY IMPLICATIONS**

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 3.3 Responsible management of waste

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The total cost of this project is \$320,000 (GST exclusive) which is partly funded to the value of \$106,666 (GST exclusive) through Sustainability Victoria's Circular Economy Fund Round 3. Council's co-contribution to the project is \$213,333 (GST exclusive), which is unbudgeted.



## RISK MANAGEMENT

Key risks of the project are as follows:

Risk	Likelihood	Impact	Mitigation Action / Control
Timing constraints imposed by the funding body - completion by 30 June 2024 - not able to be met.	Probable	High	<ul style="list-style-type: none"> <li>Tip shop and office construction and fitout separated to allow progression of tip shop fitout while office construction ITT approvals process occurs.</li> </ul>
Delayed building permit approvals	Possible	High	<ul style="list-style-type: none"> <li>Included building permit in contractors' scope for Transfer Station office</li> </ul>

## CONSULTATION

Sustainability Victoria and all relevant Council staff have been consulted.

## CONCLUSION

In September 2023, Council was awarded a grant from Sustainable Victoria for the construction and implementation of a Council Tip Shop at the Myrtleford Transfer Station. The grant agreement requires Council to co-contribute \$213,333 (GST exclusive) to a \$320,000 (GST exclusive) project. Council was not awarded this grant until after the adoption of the 2023/2024 Capital Works budget and as a result Council's co-contribution is unbudgeted.

A significant portion of the project is the construction and fit out of the Transfer Station Office will ensure appropriate facilities to be able to operate a tip shop. Council tendered this portion of the works in December 2023.

Following a tender evaluation assessment, site visits and reference checks, the tender from Colin Joss & Co Pty Ltd T/A Joss Facility Management is considered the best option due to price, references, delivery method and local construction experience.

For award of this tender and completion of the Tip Shop project, Council is required to approve an unbudgeted capital expenditure of \$213,333 (GST exclusive).

## DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Engineering and Assets
- Project Manager

**ATTACHMENT(S)**

Nil

## 8.2.3 January 2024 Storm Event - Update

### INTRODUCTION

The purpose of the report is to update Council on the impact caused during a storm on 3 January 2024 and seek approval for unforeseen expenditure related to reinstatement works.

*Cr Keeble*  
*Cr Kelley*

*That Council:*

- 1. Notes that expenditure of \$167,227 (GST Exclusive) has been committed to date for contracted services related to the January storm event;*
- 2. Notes the contracts which have been awarded under an exemption to Council's Procurement Policy 'because of genuine emergency or disaster';*
- 3. Approves total unbudgeted expenditure related to works resulting from the storm event up to \$250,000 (GST Exclusive), being the revised estimate of the total cost impact of reinstatement works; and*
- 4. Notes that Council officers will seek to recoup funds to the greatest extent possible from all available means.*

*Carried Unanimously*

### BACKGROUND

On Wednesday 3 January 2024 a significant storm event occurred in the Alpine Shire. The areas that incurred the greatest damage are primarily located in the Kiewa Valley, Germantown and Freeburgh areas with minor damage sustained in surrounding areas including Porepunkah, Bright and Myrtleford. The storm caused widespread damage to Council infrastructure across the Shire, impacting particularly significantly on our trees.

In the Upper Kiewa Valley, the areas that were most heavily impacted include Mountain Creek Road, Tawonga Tourist Park, Damms Road and the Freda's Lane area through to the Mount Beauty Transfer Station.

### ISSUES

#### *Available Support*

It was important for Council to act quickly to reinstate infrastructure damaged by the storm event. Delay in progressing reinstatement works would have presented a risk to public safety and further infrastructure damage, as the infrastructure cannot function as intended.

Protracted road closures have an impact on the community being able to carry on normal business and swift reinstatement means economic recovery and community resilience is supported.

Council officers moved rapidly to secure contractor resources to support the recovery, recognising the high demand on contractor resources post-emergency event.

### ***Commonwealth State Disaster Recovery Funding Arrangements (DRFA)***

It was announced on 11 January 2024 that the jointly funded disaster assistance had been activated for communities impacted by the Victorian Floods and Storms that commenced on 24 December 2023, under the Commonwealth-State Disaster Recovery Funding Arrangements (DRFA).

## **POLICY IMPLICATIONS**

Section 4.3 of Council's Procurement Policy states:

*Under specific circumstances exemption from the methods of this policy may be sought. These include a contract made because of genuine emergency or disaster.*

Three contracts were awarded within 48 hours of the storm event which have relied on this Procurement Policy exemption as follows:

1. A contract was awarded to Tru Tree Care to a value of \$31,319 (GST Exclusive) for works carried out in the Tawonga Caravan Park, including assessment of tree canopies and removal of hanging branches from the canopies of approximately 35 trees.
2. A contract was awarded to Tru Tree Care to a value of \$12,511.50 (GST Exclusive) for clearing fallen trees on Mountain Creek Road.
3. A contract was awarded to Keath Excavation to the value of \$27,290 (GST Exclusive) to assist with the removal of bulk debris with specialist machinery.

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 3.4 A community that is prepared for, can respond to, and recover from emergencies

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The January 2024 storm event was unforeseen, and therefore not considered at the time the 2024/25 Budget was adopted by Council.

During the event the initial costs were principally associated with staff costs.

The recovery phase of the event commenced immediately with tree assessments being undertaken and recovery activity remaining ongoing.

An initial assessment of damaged infrastructure indicated that the total cost of reinstatement works as a direct result of the storm could reach \$350,000.

17 separate contracts have been entered into to date with cumulative value totalling \$167,227 (GST Exclusive).

Significant outstanding works to be contracted include hazardous tree removal along Fieldings Lane, Fredas Lane and Maddisons Lane, and the processing of 300+ trees into firewood. These works are estimated to cost between \$50,000 and \$65,000.

Based on works committed to date and known works which remain outstanding, the latest estimate of the total cost of reinstatement works has been revised down to \$250,000 (GST Exclusive).

Council officers are seeking to recoup the expenditure to the greatest extent possible, however there will be a cost to Council that will not be covered from external funding or insurance sources that will be funded by Council funds.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Council's Insurance claim is not fully covered	Possible	Minor	<ul style="list-style-type: none"><li>Council engages with insurer to ensure information needs are met</li></ul>

## CONSULTATION

Council has been in contact with directly affected community members, relevant agencies and the State Government Department of Treasury and Finance.

## CONCLUSION

A significant storm event impacted on the Alpine Shire on 3 January 2024. Council's team supported the community through the emergency response on the night of the emergency and continues to support the recovery. An initial assessment of damaged infrastructure indicated that the total cost of reinstatement works as a direct result of the storm could reach \$350,000. The current estimate of the total cost of reinstatement works is \$250,000 (GST Exclusive).

Council officers will seek to recoup these costs to the greatest extent possible through disaster funding and insurance.

## DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Chief Executive Officer
- Director Assets
- Manager Operations

## ATTACHMENT(S)

Nil

## 8.2.4 Bright Senior Citizens Centre Community Asset Committee

### INTRODUCTION

The purpose of this report is to present to Council an amended Instrument of Delegation for endorsement due to the Bright Senior Citizens Club ceasing to operate.

*Cr Nicholas*

*Cr Janas*

*That Council:*

1. *Exercises the power conferred by s65 of the Local Government Act 2020, so that:*
  - a. *The Bright Senior Citizens Centre Community Asset Committee (BSCC CAC) membership be amended to reflect current community needs for the management of the Bright Senior Citizens Centre;*
  - b. *Membership of the BSCC CAC shall consist of:*

<i>Alpine Shire Council</i>	<i>1 Representative</i>
<i>U3A Bright District</i>	<i>2 Representatives</i>
<i>General Public</i>	<i>2 Representatives</i>

- a. *A quorum of the Committee is a whole number that is an absolute majority, which is greater than half the total number of members of the BSCC CAC; and*
  - b. *All members of the BSCC CAC have voting rights on the committee.*
2. *Notes that in accordance with s47(1)(b) of the Local Government Act 2020, the Instrument of Delegation to the BSCC CAC will be updated by the Chief Executive Officer, following the endorsement of membership structure of the Committee by Council.*

*Carried Unanimously*

### BACKGROUND

The Bright Senior Citizens Centre Community Asset Committee (BSCC CAC) was formally established by Council in August 2020, for the purpose of managing the Bright Senior Citizens Centre, in accordance with section 65 of the *Local Government Act 2020*.

In 2022 Council was approached by U3A Bright to relocate to the Bright Senior Citizens Centre as its membership had outgrown their current space at the Bright Community Centre. The membership of the Committee was subsequently amended and approved at the November 2022 Ordinary Council Meeting with the following representation.

- Two representatives from Bright Senior Citizens
- Two Representatives from U3A Bright
- One Representative from ASC
- One Representative from the general public

In December 2023, Council received notification from Bright Senior Citizens that they would cease to operate, and it would no longer have representation on the Committee requiring a change to the membership structure.

## ISSUES

Without an approved Committee, responsibility for management of the Bright Senior Citizens Centre will be returned to Council.

Community Asset Committees are established by Council under section 65 of *the Local Government Act 2020*. Council may consider the membership of the Committee and allocate as many members as it considers necessary to achieve the purpose of managing the community asset.

Once the BSCC CAC membership structure is endorsed by Council, the Instrument of Delegation to members of the Committee can be approved by the Chief Executive Officer, in accordance with section n47(1)(b) of the *Local Government Act 2020*.

## POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

## FINANCIAL AND RESOURCE IMPLICATIONS

Preparation of the Instrument of Delegation is complete with the only change being the makeup of the membership. If approved by Council, there will be no changes to the way the Bright Senior Citizens Centre currently operates.

The financial impact to Council does not change.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action/Control
No nominations are received for committee	Low	Moderate	Bright Senior Citizens Centre returns to Council for management.

## CONSULTATION

Council's Property and Contracts Coordinator has been in consultation with Bright U3A and the current Committee to determine their preferred management structure going forward.

## CONCLUSION

The proposed delegation ensures the Bright Senior Citizens Centre can continue to be managed on behalf of Council into the future.

## DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Operations
- Property and Contracts Coordinator
- Facilities Officer
- Governance Officer

## ATTACHMENT(S)

Nil



## 8.3 DIRECTOR CUSTOMER AND COMMUNITY – HELEN HAVERCROFT

### 8.3.1 Quarterly Performance Report – Council Plan

File Number: SU600.03

#### INTRODUCTION

The Alpine Shire Council Plan 2021-2025 was adopted by Council in October 2021, and set out Council's direction for the next four years. This Quarterly Performance Report is the first update on progress in 2023/24.

*Cr Keeble*  
*Cr Nicholas*

*That the Quarterly Performance Report ending 31 December 2023 be received and noted.*

*Carried Unanimously*

#### BACKGROUND

The Council Plan was adopted in October 2021, with the plan having effect from 1 July 2021.

The Council Plan lists strategic drivers, strategic objectives, strategies, strategic indicators, major initiatives, guiding legislation, and plans, that collectively provide direction to Council's endeavours during its term.

The Governance and Management Checklist that forms part of the Local Government Performance Reporting Framework (LGPRF) suggests that it is best practice to report on Council Plan progress at least on a six-monthly basis.

Where interim progress reporting of indicators does not generate meaningful results, these are reported at end of financial year as part of the annual report.

#### HIGHLIGHTS

##### *Strategic Driver 1: For those who live and visit*

- Community Grants were awarded to 19 community groups in the 2023/24 financial year, including five that increased participation in physical activity.
- Alpine Shire Youth Awards celebrated local youth in September 2023, from more than 50 nominations.
- Council's Sport and Recreation Masterplan is underway, with user groups consulted and draft plans in place. The next step will be wider community consultation.

### ***Strategic Driver 2: For a thriving economy***

- Festival and Event Funding was awarded support to 19 events in July 2023, with a further four events in Dinner Plain supported.
- Council's Event Team processed permits for a total of 56 events with an estimated total attendance figure of 41,000 between July and December 2023.

### ***Strategic Driver 3: For the bold protection of our future***

- The Community Climate Action Plan Roadmap 2023 was endorsed by Council in October 2023. Public lighting to low energy LED has been completed, and recommendations have been made for retrofitting Council buildings for Environmentally Sustainable Design have been made.
- The Food Organics Garden Organics (FOGO) kerbside collection service was introduced and operational from 1 July 2023.

### ***Strategic Driver 4: For the enjoyment and opportunities of our lifestyle***

- The draft Alpine Shire Land Development Strategy was endorsed by Council in October 2023, for the purposes of public exhibition, with a final strategy due for presentation in mid-2024.

### ***Strategic Driver 5: For strong and informed leadership***

- The 'Engage Alpine' online portal was launched in mid-October 2023. Between October – December 2023, the site received 4,517 visits, 434 contributions, and 293 project follows, with 549 total members. Projects that were open for community feedback included: Short Stay Rental Accommodation Local Law, Draft Land Development Strategy, Bright Skate Park Concept Design, Community Budget Submissions, and Alpine Shire Community Awards.

## **POLICY IMPLICATIONS**

The development of a Council Plan is a requirement of the *Local Government Act 2020*, and is a guiding document for Council until 30 June 2025.

Progress reporting aligns with the Alpine Shire Council Plan 2021-2025 Strategic Objective 5.2: A responsible, transparent, and responsive organisation.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The Council Plan is a key document informing the financial and human resources required to achieve Council's objectives. Resources to support the Council Plan are detailed in the Financial Plan, and annual Budget.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Failure to deliver annual Council Plan commitments	Possible	Minor	<ul style="list-style-type: none"> <li>Progress reporting ensures that the annual Council Plan commitments are regularly raised as priorities during the year, ensuring that their delivery is prioritised.</li> </ul>

## CONSULTATION

The Council Plan was established through deliberative engagement with the community and then subject to public exhibition prior to being adopted by Council. Annual actions are detailed in Council's Budget, which is also subject to public exhibition prior to adoption.

Many of the individual initiatives and activities included in the Council Plan are subject to their own community participation and consultation processes.

## CONCLUSION

This progress report shows that progress is being made on the delivery of key Council Plan actions.

## DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report:

- Directors
- Managers
- Governance Officer

## ATTACHMENT(S)

8.3.1 Quarterly Performance Report – ending 31 December 2023

## 8.3.2 Budget Report - Quarterly Review - period ending 31 December 2023

### INTRODUCTION

The purpose of the Budget Report - Quarterly Review (the 'Report') is to provide Council with an overview of the financial position of Council for the period ending 31 December 2023.

*Cr Janas  
Cr Keeble*

*That Council receives and notes the Budget Report - Quarterly Review for the period ending 31 December 2023.*

*Carried Unanimously*

### BACKGROUND

The report and accompanying attachment provides Council with an overview of the quarter's results and an update on the forecast financial position against the full year budget. Explanations are provided for variances to budget greater than \$100,000.

### ISSUES

Council is forecasting a full year surplus of \$4.2m, which is \$1.5m higher than the budgeted surplus of \$2.7m.

The forecasted variance to budget is the result of a mix of drivers. There is forecast additional income as well as increased expenditure in some areas and reduced expenditure elsewhere. Full details can be viewed in the attachment.

The forecast variance to budgeted result is the result of a mix of drivers such as:

- additional other income (\$0.9m) - related largely to the increase in return on Council's investments.
- reduction in recognising (capital) grants income (\$1.22m).
- reduction in materials and services expenditure of (\$0.6m).
- employee costs are also forecast to be under budget (\$0.9m).

Council continues to experience cost pressures and a lack of resources to deliver the Capital Works program. This has led to the income for grants not yet being recognised in our accounts.

### *Revised budget*

The Local Government Act 2020 (LGA 2020) requires that an assessment be made as to whether a revised budget is required after the quarterly finance report is completed.

A revised budget is required under the LGA 2020 before any of the following can occur:

- a variation to the declared rates or charges
- undertake any borrowings that have not been approved in the budget

- a change to the budget that the Council considers should be the subject of community engagement.

At the end of Q2 financial reporting none of these three items is forecast to occur and Council is not required to complete a revised budget for 2023/24.

### **POLICY IMPLICATIONS**

The Report has been prepared in line with the requirements of the Local Government Act 2020 (LGA 2020).

Section 97(1) of the LGA 2020 (Quarterly budget report) commenced on 24 October 2020 and states that, "As soon as practicable after the end of each quarter of the financial year, the CEO must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public".

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Financial performance to date indicates a full year surplus of \$4.2m, which is \$1.5m higher than the budgeted surplus of \$2.7m.

### **RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Financial Sustainability	Rare	Major	Quarterly reporting provides a snap shot of performance for Council. Maintaining rigour in financial reporting supports Council to make financially sustainable decisions.

### **CONSULTATION**

Appropriate consultation has been carried out with Council Officers across the organisation in order to compile this report.

### **CONCLUSION**

The Budget Report - Quarterly Review for the period ending 31 December 2023 is presented for noting.

## DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the Local Government Act 2020, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Financial Accountant

## ATTACHMENT(S)

8.3.2 Budget Report - Quarterly Review for the period ending 31 December 2023.

*Cr Prime attended the meeting via virtual means however during various stages of the Ordinary Council Meeting, experienced connectivity difficulties including items 8.3.3, 8.3.4, 8.3.5 and item 9 on the agenda in accordance with Council's Governance Rules G2.12.*

*This is noted in the minutes by all those being present using the words carried as opposed to carried unanimously.*

### 8.3.3 Draft Borrowing Policy

#### INTRODUCTION

A draft Borrowing Policy has been developed for consideration and approval for release to the community for consultation.

*Cr Keeble  
Cr Kelley*

*That Council:*

- 1. Approves the draft Borrowing Policy be made available for community consultation in accordance with its Community Engagement Policy for a period of no less than 28 days;*
- 2. Invites written submissions from the public on the draft Borrowing Policy;*
- 3. Considers written submissions; and*
- 4. Considers a recommendation to adopt the Borrowing Policy at a future Ordinary Council meeting.*

*Carried*

#### BACKGROUND

An analysis of Council's financial policies identified a gap in that Council does not have a Borrowing Policy (Policy).

Council paid out its last borrowing in July 2015 and has not borrowed funds since. Council does not intend to borrow funds in 2023/24 or during the following three years, as per the adopted Budget 2023/24.

#### ISSUES

The proposed Borrowing Policy was developed by reviewing other councils Borrowing Policies (or like named policies), to develop a policy that reflected the needs of Council.

The Policy sets out the circumstances in which Council will undertake borrowing and manage its loan portfolio. The purpose of the Policy is to provide clear direction on the authority of Council or Council officers to make borrowing decisions.

The draft Policy was provided to the Audit and Risk Committee at their November meeting seeking feedback. This feedback was considered and incorporated into the draft Borrowing Policy before Council.

#### POLICY IMPLICATIONS

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

## FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications related to consulting with the community on this Policy.

This report is not proposing that Council secure any loans but provides a framework if such a facility was required.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Not having a policy in place regarding borrowing could lead to uncontrolled borrowing - liabilities	Unlikely	Major	<ul style="list-style-type: none"> <li>Implement a robust policy to establish controls if Council decides to borrow funds</li> </ul>

## CONSULTATION

The Audit and Risk Committee provided feedback during the development of the draft Policy.

## CONCLUSION

Council approves the release of the draft Borrowing Policy for community consultation for the period of not less than 28 days.

## DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Manager Corporate

## ATTACHMENT(S)

8.3.3 Draft Borrowing Policy

*Cr Prime attended the meeting via virtual means however during various stages of the Ordinary Council Meeting, experienced connectivity difficulties including items 8.3.3, 8.3.4, 8.3.5 and item 9 on the agenda in accordance with Council's Governance Rules G2.12.*

*This is noted in the minutes by all those being present using the words carried as opposed to carried unanimously.*



## 8.3.4 2024 Council General Elections - Victorian Election Commission Costs

### INTRODUCTION

The next general election for Alpine Shire Council (Council) is scheduled to occur in October 2024. In accordance with the *Local Government Act 2020*, the election must be conducted by the Victorian Electoral Commission (VEC), with the costs borne by the relevant Council. The purpose of this report is to share with Council the cost estimates associated with undertaking the Alpine Shire Council general election in October 2024.

*Cr Keeble*

*Cr Kelley*

*That Council notes the cost estimate provided by the Victorian Electoral Commission (VEC) for the conduct of the next general election for the Alpine Shire Council, which will be conducted by the VEC in October 2024 in accordance with sections 257 and 263 of the Local Government Act 2020.*

*Carried*

### BACKGROUND

The Victorian Electoral Commission (VEC) has provided estimated costs that Council is likely to incur in the operation of the 2024 Council general election.

The VEC manages the operation of the Council general elections every four years, with the next election scheduled to occur in October 2024.

### ISSUES

Each Council is expected to pay the costs associated with their 2024 Council general election.

Council has the chance to review the costs and request some changes, but they are at the lower end of the financial impact. For instance, Council could identify a suitable location for the Returning Officer to work from for the election period which may be cheaper than has been estimated by the VEC. But Council does not have the ability to reduce the costs of the Returning Officer.

In addition to the significant expenditure to the VEC a team of internal staff has been convened to manage, coordinate and support the operation of the 2024 Council general election.

There have been some changes to the establishment of the electoral roll which mean Council have additional tasks such as contacting all owners not enrolled on the State Roll to inform them, they will need to enrol separately if someone eligible wishes to vote.

## POLICY IMPLICATIONS

The *Local Government Act 2020* section 257 determines that a general council election must be held on the fourth Sunday of October every four years after 2020.

The *Local Government Act 2020* section 263 determines that a general council election must be conducted by the VEC.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

## FINANCIAL AND RESOURCE IMPLICATIONS

Cost estimates provided by the VEC for the 2024 Council general election total \$193,313 (GST inclusive), an increase of nearly 36% compared to the previous election held in 2020. The principal increases are being seen in staff costs, postage and mail processing, central services and general administration. Council is not able to influence these costs. These costs will fall into the 2024/25 financial year and form part of the Budget to be presented at a forthcoming Ordinary Council meeting for consideration.

Cost	2024 Quotation
Conduct of the Election	\$ 176,512
Compulsory Voting Enforcement	\$ 16,801
Total	\$ 193,313

Council is required to provide signed approval to VEC of the 2024 quotation by 31 March 2024.

In addition to these external costs, Council will be exposed to resourcing pressure in ensuring that Council is delivering all duties aligned with general elections, including roll preparation, key documentation and preparation for the arrival of a new Councillor cohort. No estimate can yet be provided for the cost of this support.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Not having sufficient funds to support the VEC costs	Unlikely	Minor	<ul style="list-style-type: none"> <li>• Include the proposed funding required in the draft 2024/25 Budget.</li> </ul>

## CONSULTATION

None has been undertaken or is considered necessary for preparing this report. However, the VEC will undertake sessions and provide education in relation to the Council general election as the year progresses. These are centrally directed rather than Council initiated.

## CONCLUSION

Council notes the information related to the costs to Council for the operation of the 2024 Alpine Shire Council general election.

## DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Manager Corporate

## ATTACHMENT(S)

Nil

*Cr Prime attended the meeting via virtual means however during various stages of the Ordinary Council Meeting, experienced connectivity difficulties including items 8.3.3, 8.3.4, 8.3.5 and item 9 on the agenda in accordance with Council's Governance Rules G2.12.*

*This is noted in the minutes by all those being present using the words carried as opposed to carried unanimously.*

### 8.3.5 Instruments of Appointment and Authorisation - *Planning and Environment Act 1987*

File Number: Delegations register

#### INTRODUCTION

Instruments of appointment and authorisation are an important means of Council ensuring that its officers are appropriately authorised under the relevant Acts that Council administers. This report provides for a newly appointed position in Council's Planning department.

*Cr Nicholas*  
*Cr Hughes*

*That Council exercises the powers conferred by section 147(4) of the Planning and Environment Act 1987, so that:*

- 1. The following member of Council staff referred to in attachment 8.3.5 "S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the instrument) be appointed and authorised as set out in the instrument;*
  - a. Statutory Planning Coordinator*
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it;*
- 3. The instrument be signed and sealed at the appropriate stage of this meeting.*

*Carried*

#### BACKGROUND

Council staff involved in planning roles require current and accurate authorisations to fulfil their duties. Council has appointed a Statutory Planning Coordinator, who requires authorisation under the *Planning and Environment Act 1987*.

#### ISSUES

##### *Authorised Officers*

Authorised officers have statutory powers under relevant legislation. In the case of Council's staff in the Planning department, the attached Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* mean that they are authorised officers for the purposes of that Act.

While Council may delegate its powers, duties or functions to staff, so that a delegate acts on behalf of the Council, staff appointed as authorised officers have their own statutory powers under the relevant Act.

***Planning and Environment Act 1987***

Section 188(1)(b) of the *Planning and Environment Act 1987* specifies that “a planning authority ... may by instrument delegate any of its powers, discretions or functions under this Act to an officer of the authority”. However Section 188(2)(c) specifically prevents an officer from further sub-delegating any duty, function or power. Therefore, as the responsible authority, Council must authorise staff directly using the “S11A – Instrument of Appointment and Authorisation – *Planning and Environment Act 1987*”, rather than via the Chief Executive Officer.

***Maddocks Delegations and Authorisations Service***

Council utilises the delegations and authorisations service provided by law firm Maddocks. This is a template system used by many councils and provides a detailed way of ensuring that appropriate delegations and authorisations are given to Council staff. All of the relevant legislation affecting local government, including Acts and regulations and the sections that relate to the powers, duties and functions of Council are outlined within the template and the relevant officer is allocated accordingly.

**POLICY IMPLICATIONS**

Ensuring authorisations are kept up to date ensures that Council's planning staff can undertake their statutory roles.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

**FINANCIAL AND RESOURCE IMPLICATIONS**

Council has an annual subscription to the Maddocks delegation and authorisation service that is provided for in Council’s annual budget. There are no other financial implications associated with these instruments of appointment and authorisation.

Appropriate authorisations allow Council and Council staff to operate effectively and within legislative frameworks.

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Authorisations are not in place or are out of date	Possible	Moderate	<ul style="list-style-type: none"> <li>• Ensure that all Council officers have up-to-date authorisations to ensure that they can undertake their duties.</li> </ul>

## CONSULTATION

The relevant staff and Director have been consulted during the preparation of the IoAAs. There is no requirement to consult the community in the preparation of these instruments.

## CONCLUSION

The appropriate appointment of authorised officers to enforce the *Planning and Environment Act 1987* is required to ensure that Council officers can undertake their statutory roles.

## DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Manager Corporate
- Governance Officer

## ATTACHMENT(S)

- 8.3.5 S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Statutory Planning Coordinator

*Cr Prime attended the meeting via virtual means however during various stages of the Ordinary Council Meeting, experienced connectivity difficulties including items 8.3.3, 8.3.4, 8.3.5 and item 9 on the agenda in accordance with Council's Governance Rules G2.12.*

*This is noted in the minutes by all those being present using the words carried as opposed to carried unanimously.*

## 9. Informal meetings of Councillors

### Introduction

In accordance with Chapter 8, section A1 of Council's Governance Rules, if there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting, or Community Asset Committee meeting;

The Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are tabled at the next convenient Council meeting and are recorded in the minutes of that Council meeting.

*Cr Janas*

*Cr Keeble*

*That the summary of informal meetings of Councillors for January / February 2024 be received.*

*Carried*

### Background

The written records of the informal meetings of Councillors held during the previous month are summarised below. Detailed records can be found in Attachment 9.0 to this report.

Date	Meeting
30 January	Briefing Session
13 February	Briefing Session
20 February	Briefing Session

### Attachment(s)

- 9.0 Informal meetings of Councillors – January / February 2024

## 10. Presentation of reports by delegates

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to reports by delegates.

## 11. General business

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to general business.

## 12. Motions for which notice has previously been given

Nil.

## 13. Reception and reading of petitions

Nil.



## 14. Documents for sealing

*Cr Nicholas*

*Cr Kelley*

*That the following documents be signed and sealed.*

1. *S173 Agreement – AR & LR Nixon and Goulburn Murray Rural Water Corporation*  
*This Section 173 Agreement is required by conditions 17 and 18 of Planning Permit P.2021.175 for construction of a dwelling and outbuilding at 7 Growlers Creek Road, Wandiligong being the land referred to in Certificate of Title Volume 12148 Folio 199 and described as plan of consolidation PC378915B.*  
*The Agreement provides for wastewater management measures, including a requirement to connect to a community effluent disposal or reticulated sewerage system if one becomes available and limiting the number of bedrooms in the dwelling and preventing the outbuilding from containing bedrooms and facilities that may produce wastewater.*  
*The Agreement is a requirement of Goulburn Murray Water as a referral authority under the Alpine Planning Scheme.*
2. *S173 Agreement – MA Riches*  
*This Section 173 Agreement is required by condition five (5) of Planning Permit P.2021.247 for a two (2) lot subdivision and native vegetation removal at 3 Houghs Lane, Bright being the land referred to in Certificate of Title Volume 9197 Folio 987 and described as Lot 4 on plan of subdivision LP118528.*  
*The Agreement provides for bushfire management protection measures, including incorporating a Bushfire Management Plan, and an exemption from the planning permit requirement of clause 44.06-2 of the Alpine Planning Scheme.*  
*The Agreement is a mandatory requirement of the Bushfire Management Overlay of the Alpine Planning Scheme.*
3. *S173 Agreements – C & S Price*  
*This Section 173 Agreement and Deeds of Variation are required by conditions one (1) and two (2) of amended Planning Permit P.2022.048 for a two (2) lot subdivision, access to a road in Transport Zone 2 and native vegetation removal at 22 Tempo Crescent, Bright being the land referred to in Certificate of Title Volume 11650 Folio 803 and described as Lot 7 on plan of subdivision PS733761.*  
*The Agreement provides for bushfire management protection measures, including incorporating a Bushfire Management Plan, and an exemption from the planning permit requirement of clause 44.06-2 of the Alpine Planning Scheme.*  
*The Agreement is a mandatory requirement of the Bushfire Management Overlay of the Alpine Planning Scheme.*  
*The Deeds of Variation are required to ensure that the proposal as approved does not breach an existing Covenant and Section 173 Agreement that apply to the land.*

***4. S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987 – Statutory Planning Coordinator***

*Carried Unanimously*

The Chairperson closed the meeting to the public to deal with a confidential matter at 6.53p.m.

## 15. Confidential Report

*That Council in accordance with the provisions of s66(2)(a) of the Local Government Act 2020, to consider a confidential report defined by s3 of the Local Government Act 2020, as:*

- a. Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

There being no further business the Chairperson declared the meeting closed at 7.22p.m.

.....

Chairperson

COUNCIL POLICY

# Councillor and Staff Interaction Policy

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### DOCUMENT UNCONTROLLED WHEN PRINTED

Document Control		
Policy number	Status Draft	Approved by Council
Date approved	Next review date	
Directorate	Department	External

### REVISION RECORD

Date	Version	Revision description
13/04/2023	0.01	First Draft

# 1. Purpose

This policy provides guidance and support for Council staff and Councillors in the performance of their duties as established by the *Local Government Act 2020* (Act).

This policy is pursuant to section 46(3)(c) of the Act that states that the Chief Executive Officer (CEO) is responsible for:

*“managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented”.*

This document establishes the protocols for staff in regard to their interactions with Councillors, while also supporting Councillors in complying with the Councillor Code of Conduct.

# 2. Scope

This policy applies to all Councillors and all Council employees. It applies to all forms of interaction between Councillors and staff at all times.

The functions of the CEO are defined in Section 46 of the *Local Government Act 2020* which provides that the CEO is responsible for the day-to-day operations of Council. This means that Councillors are not responsible for implementing Council decisions, and do not have authority to direct Council employees (other than the CEO).

This section of the Act supports the facilitation of effective administration and avoids staff being subject to conflicting directions. Clear lines of managerial authority are critical. This does not prohibit Councillors from expressing their views about administration matters or implementation, however this must be undertaken through the CEO.

All Councillors are to ensure that all communication with Council staff is in accordance with the protocols of this policy at all times. This is reinforced in section 46(3)(c) of the Act which provides that the responsibility of the CEO is to manage interactions between Councillors and staff.

Channels of contact may include, but are not limited to, phone (including text), in person, by email or online and through digital and social media platforms.

# 3. Policy details

## 3.1 CHIEF EXECUTIVE OFFICER (CEO) INTERACTIONS

The Council employs the CEO and the CEO is responsible for the organisation. Therefore, Councillors' primary point of communication is via the CEO.

The CEO is responsible for determining the appropriate allocation of Council resources required to best support the Mayor and Councillors to undertake their roles. This includes the nomination of Council staff to provide support to the Mayor and Councillors.

The CEO manages interactions between members of Council staff and Councillors and ensures that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.

## 3.2 DIRECTOR INTERACTIONS

Councillors have direct contact with the relevant Director to seek advice, information, and support to assist them in carrying out their official Councillor duties.

In contacting a Director, Councillors are encouraged to use electronic means, such as email, and the CEO must be copied into the email/correspondence.

If a request from a Councillor relates to matters which are of a whole of Council significance or relevance, then a reply will be sent to all Councillors.

## 3.3 MANAGER INTERACTIONS

Councillors predominantly have contact with Managers through weekly Briefing Sessions at which the CEO or a delegate is in attendance.

Interaction between Councillors and Managers outside of a Briefing Session is subject to the approval of the CEO or the relevant Director, with approval preferably to be provided via email. Where approval has been provided, Councillors are encouraged to use electronic means to interact with a Manager where this is possible. The CEO or relevant Director must be copied into the email/correspondence.

### 3.3.1 Manager Customer Experience

The Mayor, or Deputy Mayor in the Mayor's absence, is the public face of Council and therefore communication with the community through Council's media platforms is an important component of their role. It is essential that the Mayor or Deputy Mayor has access to work with the Manager Customer Experience in respect to media statements, requests and responses. The Manager Customer Experience can delegate day-to-day engagement on agreed media statements, requests and responses to the Engagement and Communications Coordinator, however new requests should be made in the first instance to the Manager Customer Experience.

The Mayor, or the Deputy Mayor in the Mayor's absence will be the only Councillors that may provide official comment to the media on behalf of Council.

All new media and communication requests from other Councillors must have approval from the Mayor or Deputy Mayor.

## 3.4 STAFF INTERACTIONS

### 3.4.1 Executive Assistant to the Chief Executive Officer

It is appropriate for Councillors to contact the Executive Assistant to the CEO in relation to their roles and responsibilities and general enquiries relating to things such as expense claim forms and calendar invitations/management.

### 3.4.2 Engagement and Communications Coordinator

The Mayor, or Deputy Mayor in the Mayor's absence, can engage directly with the Engagement and Communications Coordinator to coordinate the preparation of media statements, speeches, key message and media releases in order to ensure effective and timely communication to the public.

### 3.4.3 Council staff

Except for general and polite conversation, Councillors must not approach Council staff directly to raise issues or seek information and are prohibited from directing or seeking to influence the decision of a member of Council staff.

## 3.5 COUNCILLOR INTERACTIONS

Under section 124 of the *Local Government Act 2020*, Councillors must not improperly direct or interact with Council staff in accordance with the provisions set out by the Councillor Code of Conduct.

The Council appoints and reviews the performance of the CEO. The Act establishes that all staff including volunteers are accountable to the CEO who is responsible for appointing, directing, or terminating Council employees.

Councillors must:

- accept that their role is one of strategy and policy development and leadership, as opposed to management or administration.
- acknowledge that they do not have a role to instruct or direct or approach staff on any matters pertaining to the performance of their duties.
- acknowledge that they are not responsible for implementing Council actions.
- acknowledge that under the *Local Government Act 2020* they have no capacity to individually direct Council officers to perform or not perform particular functions.
- not use their position to improperly influence members of staff in their duties or functions to gain advantage for themselves or others or to cause detriment to others.
- respect the role of members of staff and treat them in a way that engenders mutual respect at all times.
- acknowledge the professional obligation members of staff have to give advice based on their knowledge and experience and to write reports and recommendations in a professional, objective and unbiased way.
- act with courtesy towards all Council employees and avoid intimidatory behaviour.
- refrain from publicly criticising Council staff in a way that casts doubt on their professional competency or credibility.

Councillors should advise the CEO in a timely fashion of any concerns that they may have with any member of staff.



### 3.6 INTERACTIONS THROUGH COMMITTEE AND/OR BOARD REPRESENTATION

Individual councillors are appointed to represent Council on Committees and Boards, and there are instances where members of staff are also appointed as representatives on the same Committees and Boards. Examples include appointment to a Director role on the Board of Alpine Children's Services, or membership of the Alpine Resilience Partnership.

In these instances engagement between Councillor and Council staff member is appropriate during meetings of the Committee and/or Board to ensure the Committee/Board is able to effectively fulfil its function.

Councillors should not direct staff members in the way in which they should interact and the input they should provide into the Board/Committee, and must not direct staff members to take action as a result of any decisions of the Board/Committee.

### 3.7 INTERACTIONS THROUGH MEMBERSHIP TO COMMUNITY GROUPS AND ORGANISATIONS

Councillors frequently perform roles in the community which are not related to their appointment as a member of Council.

Councillors should ensure that Conflicts of Interest between their community interests and Councillor role are appropriately declared and should remain conscious of public perception when engaging with the Council administration team in their role a representative of a community group or organisation.

Councillors should not use their role as a Councillor to improperly influence outcomes for the benefit of a community group or organisation of which they are a member.

### 3.8 PERSONAL INTERACTIONS BETWEEN COUNCILLORS AND STAFF

While this Policy governs the interactions between Councillors and Council staff which relate to the business of Council, it does not prevent Councillors and Council staff from communicating generally.

From time to time, Councillors and staff may be present at social and community events. In such situations, both parties must refrain from discussing matters relating to Council business.

If a Councillor and a member of Council staff have a pre-existing personal relationship, they must be mindful of this and ensure any conflicts of interest which arise are declared in accordance with the Act and Council's Governance Rules.

### 3.9 CONTRACTORS AND CONSULTANTS

Contractors or consultants engaged by Council (including contractors or consultants engaged through an employment agency) are to be treated in the same way as staff under this Policy, where the contractors or consultants:

- Supervise Council employees.
- Undertake work that is of a similar nature to work undertaken by Council employees at a premise or location generally regarded as a Council workplace; or
- Use or have access to Council resources or information that are not normally accessible or available to the public.

### 3.10 SUMMARY OF APPROPRIATE COUNCILLOR AND STAFF INTERACTIONS

Appropriate direct councillor and staff interactions are outlined in the following table. Definitions of the subject matters can be found after the table.

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Subject Matter:	Staff member to interact with:								
	CEO	EA to CEO	Relevant Director	Relevant Manager (subject to Director Approval)	Manager Customer Experience	Engagement & Communications Coordinator	IT Helpdesk	Planning Officer (at a Planning Forum)	Civil Works Coordinator
Policy direction and gaps	x		x						
Service development and review	x		x						
Routine service delivery and projects	x	x	x	x					
Media and communications matters	x	x	x		x	x			
Governance Issues	x		x						
Information Systems/Day to day service matters	x	x	x				x		
Representation on Committees,	x	x	x	x	x	x		x	

Subject Matter:	Staff member to interact with:								
	CEO	EA to CEO	Relevant Director	Relevant Manager (subject to Director Approval)	Manager Customer Experience	Engagement & Communications Coordinator	IT Helpdesk	Planning Officer (at a Planning Forum)	Civil Works Coordinator
Forums, and Community Pop-ups.									
Councillor Code of Conduct matters	x								
Enforcement related matters	x		x						
<i>Planning and Environment Act 1987</i> matters	x		x	x					
Councillor vehicles	x	x							x
Civic and ceremonial matters	x	x	x		x				

### **Policy direction and gaps**

This includes areas relating to policy direction, gaps or contradictions in policy, consideration of alternatives, impact analysis, forward scheduling, budget proposals or priority timetables.

### **Service development and review matters**

This includes where Councillors are seeking clarification on service development and review such as perceived service failure, further information on matters sent to Councillors by the administration, interpretation of a policy, clarification of a service level, management response to emerging trends, or information on priority of services or works within a project plan.

### **Routine service delivery and projects**

This includes where Councillors are seeking information on day-to-day service and project matters such as perceived minor service failure, information on service levels, information on scheduling of work, or seeking advice on behalf of a member of the public.

### **Media and communications matters**

This includes all areas relating to media and communications. All media and communication requests should be made through the Chief Executive Officer, relevant Director or to the Manager Customer Experience.

### **Governance matters**

This includes all areas relating to governance.

### **Information systems day to day IT service matters**

Where the issue is relatively simple such as an enquiry regarding timing of service delivery or equipment failure Councillors should direct enquiries via the Executive Assistant to the CEO. Councillors may be referred to the IT Helpdesk if necessary in order to resolve the matter.

More complex issues, including service complaints and requests for new or upgraded services, are to be raised by Councillors with the relevant Director or the CEO.

### **Representation on Committees, Forums, and at Community Pop-ups**

This includes all areas relating to the administration of or the attendance at a committee or forum or community pop-up, or the business or service-related content of a committee or forum.

### **Councillor Code of Conduct matters**

This includes all areas involving potential breaches of the Councillor Code of Conduct or queries in relation to the application of the Councillor Code of Conduct.

### **Enforcement related matters**

This includes all areas relating to enforcement of any law or local law by Council.

Involvement by a Councillor in any stage of investigation or enforcement must not occur.

Council makes delegations and authorisations to various Staff who must, without fear or favour, investigate and enforce various legislation including the *Domestic Animals Act 1994*, *Environment Protection Act 1970*, *Food Act 1984*, *Public Health and Wellbeing Act 2008*, *Planning and Environment Act 1987*, *Road Safety Act 1986* and any local laws.

In accordance with section 124 of the *Local Government Act 2020*, Councillors must not direct or seek to direct a member of Council staff in the exercise of a delegated power, or the performance of a delegated duty or function of the Council.

Delegated and authorised officers must be able to perform investigation, determination of response, management of infringements and prosecutions in a manner that is free of improper direction or improper influence.

Consideration of appeals against the infringement notices will be reviewed in accordance with the relevant guidelines published by the Attorney-General and the internal appeals procedure. Councillors must therefore not involve themselves in matters of investigation and enforcement in a manner that may give rise to a conduct breach. Where members of the community seek support in relation to such matters, they should be referred to the documentation already provided, including relevant Staff identified and available to be contacted.

Councillors may contact the Chief Executive Officer or relevant Director with any requests for information regarding such matters. The provision of related information will be applied in accordance with the Information Privacy Principles set out in the *Privacy and Data Protection Act 2014*.

### **Planning and Environment Act 1987 related issues**

Council has significant responsibilities under the *Planning and Environment Act 1987*. It is important that the decision making of the Council is not tarnished by perceptions of bias, predetermination, inappropriate direction, or inappropriate influence.

Councillors may contact the relevant Director with any requests for information regarding such matters.

Councillors are invited from time-to-time to attend Planning Forums to ensure they are fully informed ahead of a decision to be taken at a Council Meeting. Director Corporate and Community and/or the relevant Manager (with Director approval) will be in attendance at all Planning Forums.

### **Councillor vehicles**

This includes all matters related to access to Council pool vehicles or the maintenance of the Mayoral vehicle, including break-downs, accidents and accidental damage.

### **Civic and ceremonial matters**

Includes all areas relating to, but not limited to, any Civic Ceremonies.

### 3.11 COMMUNICATION BETWEEN COUNCILLORS AND STAFF DURING AN EMERGENCY

During a declared emergency, Council will operate under the relevant emergency management framework and protocols. Council may not be the lead agency or be authorised to initiate activities and release information.

Councillors are not authorised to seek information or updates directly from Council staff.

The CEO will authorise communication to Councillors to provide information that is in addition to that available to the general public.

### 3.12 MANAGING CORRESPONDENCE AND COMMUNITY REQUESTS

Where Councillors receive requests for support from members of the public in relation to matters under the control of the CEO, in the first instance they should request the member of the public to log a service request via the customer service team. In this way, the customer will receive a service request number which will allow them to follow up directly on the progress of their request if required.

Where Councillors choose to lodge a request on behalf of a community member, they should preferably do so through the customer portal or via an email to the customer service team. Councillors should provide sufficient information to enable Council staff to respond, including as a minimum the name and contact details of the customer and brief details of their request.

Councillors should acknowledge requests received from members of the public and let the person know that a member of Council staff will respond to them as appropriate.

Councillors are required to treat all information provided by staff appropriately and to adhere to any confidentiality requirements. If a Councillor is unsure whether a document or advice contains confidential information, they should contact the CEO or relevant Director for clarification prior to releasing the information to the public.

### 3.13 UNREASONABLE REQUESTS FOR INFORMATION

Where the CEO or Director consider that a request for information may be unreasonable, or the information cannot be provided, they must state to the Councillor the reasons for the decision if access is to be refused. Examples of what is unreasonable may include:

- Information that is not readily available and would require significant officer resource to gather.
- Is not required for the Councillor to perform their civic duty and is operational in nature.
- Information that is protected by privacy provisions or legislation – for example the number of freedom of information requests in action may be provided on request, but Officers would not disclose the name of the applicant, or the details of the information being sought, or where a Councillor wishes to know details of a personal

affair nature of a complainant or any information that may unreasonably disclose someone's identify.

- Information relating to staff personnel files.
- Information relating to Public Interest Disclosure matters that Council's Public Interest Disclosure Officer is managing through direct receipt, or via an IBAC or Victorian Ombudsman enquiry.

If a Councillor is seeking information that is unable to be provided by the Chief Executive Officer, the following mechanisms can be used to seek information or for a decision to be determined by Council:

- Calling of a special council meeting
- Admission of urgent business
- A notice of motion.

All of the above can be enacted provided that they meet the requirements of the Alpine Shire Council Governance Rules and do not breach any state or commonwealth legislation ie. *Privacy and Data Protection Act 2014, Local Government Act 2020, Public Interest Disclosures Act 2012* or the *Freedom of Information Act 1982*.

## 4. Roles and responsibilities

The following positions are responsible for

Role / Position	Responsibility
Chief Executive Officer	Adoption, application and operation of this Policy
Mayor, Deputy Mayor	Ensuring Councillors are supported in the implementation of this policy and that any behaviour that is contrary to this policy and the Councillor Code of Conduct in relation to the implementation of Council policies are identified and dealt with in accordance with the <i>Local Government Act 2020</i> and Councillor Code of Conduct.
Councillors	Understanding and abiding by this policy at all times. Reporting issues to the CEO when they believe this policy has not been adhered to.
Council staff	Understanding and abiding by this policy at all times. Reporting issues to the CEO when they believe this policy has not been adhered to.



## 5. Breaches

If a member of Council staff considers that a Councillor has breached the requirements of this protocol, they are to:

- advise the Councillor that they are uncomfortable with the interaction and recommend the Councillor speak with either the CEO or relevant Director if they require any further information, and
- report what has occurred to the CEO or Director Customer and Community.

If a Councillor considers that a member of Council staff has breached the requirements of this protocol, they are advised to:

- have no further contact with the member of Council staff, and
- should report what has occurred to the CEO or the Director Customer and Community.

The CEO and/or Director Customer and Community will assess the matter and determine what further action should be taken

## 6. Human Rights Charter compatibility

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 [Vic]*.

## 7. Supporting documents

This policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

### Related Legislation

- *Local Government Act 1989 [Vic]*
- *Local Government Act 2020 [Vic]*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Domestic Animals Act 1994,*
- *Environment Protection Act 1970,*
- *Equal Opportunity Act 2010*
- *Food Act 1984*
- *Freedom of Information Act 1982*
- *Public Health and Wellbeing Act 2008,*
- *Occupational Health and Safety Act 2004*
- *Privacy and Data Protection Act 2014*
- *Planning and Environment Act 1987*
- *Public Interest Disclosures Act 2012*
- *Road Safety Act 1986.*

### Related Guidelines, Operational Directives or Policies

- Governance Rules
- Councillor Code of Conduct
- Employee Code of Conduct

### Related Procedures

- Nil

## 8. Definitions and abbreviations

Term	Meaning
Act	<i>Local Government Act 2020</i>
CEO	Chief Executive Officer
Council	Alpine Shire Council
Councillor	A person who holds the office of member of a Council
Governance Rules	the governance rules adopted by Council under section 60 of the Act, as amended from time to time
Member of Council staff	Under the Act, a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) under s48 to enable- <ol style="list-style-type: none"> <li>The functions of the Council under this Act or any other Act to be carried out, and</li> <li>The Chief Executive Officer to carry out their functions</li> </ol> Note: The Chief Executive Officer is also a member of Council Staff - s44(5).
Worksite	An area a where any Council works are taking place or services are delivered. This includes permanent and temporary locations as well as online and social media platforms

## 9. Approval

THE COMMON SEAL OF THE  
ALPINE SHIRE COUNCIL was  
hereunto affixed this **XX** day of  
**<Month>** 20**XX**  
in the presence of:

.....  
COUNCILLOR

.....  
SIGNATURE

.....  
COUNCILLOR

.....  
SIGNATURE

.....  
CHIEF EXECUTIVE OFFICER

.....  
SIGNATURE

COUNCIL POLICY  
**Fair Access**

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DRAFT

**DOCUMENT UNCONTROLLED WHEN PRINTED**

DOCUMENT UNCONTROLLED WHEN PRINTED		
Policy number	Status Draft	For Approval by Council
Date approved	Next review date 30 June 2027	
Directorate Assets	Department Assets and Engineering	External

**REVISION RECORD**

MANDATORY – Use 1.0, 2.0 for adopted / approved versions and 1.1, 1.2 for drafts or revisions without change.

REVISION RECORD		
1.0	Draft	Approval for public exhibition

## 1. Purpose

The Fair Access Policy (the Policy) seeks to address known barriers experienced by persons of all genders in accessing and using community sports infrastructure. The Policy aims to progressively build capacity and capabilities of Alpine Shire Council (Council), specifically relating to any recreation facility that is under Council's ownership or delegated management, in the identification, and elimination of systemic causes of gender inequality in policy, programs, communications, and delivery of services in relation to community sports infrastructure.

Council will undertake take the necessary and proportionate steps from within available resource towards implementation of the Fair Access Policy.

## 2. Scope

The Policy enables effective and efficient integration of the requirements of the *Gender Equality Act 2020*, the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008* and other legislative frameworks.

The scope of the Policy is to support Council to take positive action towards achieving gender equity in the access and usage of community sports infrastructure. This aligns with Council's *Community Vision 2040 & Council Plan 2021-25*, the *Municipal Public Health & Wellbeing Plan*, and the *Sport and Active Recreation Plan 2022-2033*.

For Council, the Policy applies to all Council owned or managed under delegation community sports facilities and infrastructure. The Policy also applies to any new community sports facilities and infrastructure which Council becomes responsible for during the scope of this Policy.

### **Council owned or managed under delegation sports and recreation infrastructure:**

- Bright Sports Centre and Indoor Pool
- McNamara Reserve and Memorial Park
- Mount Beauty Swimming Pool
- Mount Beauty Recreation Reserve
- Mount Beauty Stadium
- Myrtleford Swimming Pool
- Myrtleford Stadium
- Mystic Park
- Pioneer Park Recreation Reserve

### 3. Policy framework

#### Fair Access Principles

The Fair Access Principles have been developed by the Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth, in consultation with representatives from local government and the state sport and recreation sector. This Policy and any resultant action plan are based on six (6) principles of inclusivity, full participation, equal representation, encouraging and supporting user groups, and prioritising user groups committed to equality.

Council considers that these principles provide clear direction to work towards over the medium to long-term, while also enabling adaption to the specific environment of the Alpine region.



(Image source: Office for Women in Sport and Recreation, Fair Access Policy Roadmap – 2022)



## 4. Commitment

Council commits to undertake a Gender (or Equity) Impact Assessment (GIA) on all current community sports infrastructure access and use policies and processes, and to consider opportunities to strengthen gender equitable access and use of community sports facilities in alignment with the Fair Access Principles.

The Policy is designed to comply with the *Gender Equality Act 2020*, and the wider Victorian Government gender equality strategy.

Council acknowledges:

- the disadvantaged position some individuals have had in the sport and recreation sector because of their gender; and
- that achieving gender equality will require diverse approaches for women, men, and gender diverse people to achieve similar outcomes for people of all genders.

Council will strive to:

- a. engage fairly and equitably with all staff, state sporting organisations, regional sport assemblies (where applicable) and members of our sport and recreation community, regardless of their gender, in a positive, respectful, and constructive manner; and
- b. undertake GIAs to assess the implications for women, men, and gender diverse people of any planned action, including policies and communications. This is a strategy for making all voices, concerns and experiences, an integral dimension of the design, implementation, monitoring of policies and programs.

## 5. Roles and Responsibilities

All Council staff will be responsible for implementing this Fair Access Policy.

Management personnel, staff, volunteers, and stakeholders (for example committees of management, community groups and sporting clubs) within Council also have a shared responsibility to support the policy, as outlined in the "Responsibilities" section.

The following positions are responsible for:

Responsibility	Role / Position
<ul style="list-style-type: none"><li>• To promote a gender-aware and gender-responsive culture and community and championing the Fair Access Policy.</li><li>• To promote, encourage and facilitate the achievement of gender equality and improvement in the status of gender diversity in sport and active recreation.</li></ul>	All Staff

Responsibility	Role / Position
<ul style="list-style-type: none"> <li>Support the review of sport and recreation policies and processes.</li> </ul>	All Staff
<ul style="list-style-type: none"> <li>To communicate and educate sport and recreation infrastructure user groups and users.</li> </ul>	Manager Operations and Manager Community Development
<ul style="list-style-type: none"> <li>To adhere to and communicate the policy when required.</li> <li>To attend training / awareness programs.</li> <li>To use their initiative to undertake GIA where appropriate.</li> </ul>	All Staff

## 6. Breaches

Failure to comply with this Policy, supporting procedures or guidelines, will be subject to investigation, which may result in disciplinary action.

## 7. Human Rights Charter compatibility

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 [Vic]*.

## 8. Gender Impact Assessment

The implications of this policy were assessed in accordance with the requirements of the *Gender Equality Act (2020)*. The Gender Impact Assessment (GIA) showed that it is recommended that Fair Access Policy and Action Plan continue under the guidance of the Women in Sport and Recreation. Additionally, Council should extend upon the Policy and Action Plan to include a more intersectional approach when considering other marginalised community members experiences of sports and recreation within the Alpine Shire.

## 9. Supporting documents

This policy should be read in conjunction with all other relevant Council policies and procedures, as well as relevant legislative requirements.

- Local Government Act 2020 [Vic]*
- Gender Equality Act 2020 [Vic]*
- Equal Opportunity Act 2010 [Vic]*
- Charter of Human Rights and Responsibilities Act 2006 [Vic]*
- Community Vision 2040 & Council Plan 2021-25 inc Municipal Public Health & Wellbeing Plan*
- Alpine Shire Council Sport and Active Recreation Plan 2022 – 2033*

## 10. Definitions and abbreviations

Term/Abbreviation	Definition
Committees of Management	For the purposes of this document, refers to committees appointed by the Department of Energy, Environment and Climate Action under the <i>Crown Land (Reserves) Act 1978</i> to manage recreation reserves where community sport training and games are held.
Community Sports Infrastructure	Publicly owned local, rural, regional, or state level sport and recreation infrastructure operated and maintained primarily for the purpose of facilitating community sport activities, including sporting grounds, surfaces, facilities, and pavilions.
Gender	How you understand who you are and how you interact with other people. Many people understand their gender as being a man or woman. Some people understand their gender as a mix of these or neither. A person's gender and their expression of their gender can be shown in different ways, such as through behaviour or physical appearance.
Gender diverse	An umbrella term for a range of genders expressed in different ways. Gender diverse people use many terms to describe themselves. Language in this area is dynamic, particularly among young people, who are more likely to describe themselves as non-binary.

Term/Abbreviation	Definition
Gender equality	The equal rights, responsibilities and opportunities of women, men and trans and gender-diverse people. Equality does not mean that women, men and trans and gender diverse people will become the same but that their rights, responsibilities, and opportunities will not depend on their gender.
Gender (or Equity) Impact Assessment (GIA)	A requirement under the <i>Gender Equality Act 2020</i> to be carried out on policies, programs and services which have a direct and significant impact on the public. The assessment must evaluate the effects that a policy, program or service may have on people of different genders.
Public land management groups	For the purposes of this document, are the Committees of Management appointed under the <i>Crown Land (Reserves) Act 1978</i> and responsible for the management of recreation reserves where community sport training and games are held.
Transgender, or trans	Someone whose gender does not only align with the one assigned at birth. Not all trans people will use this term to describe themselves.

## 11. Approval

Adopted by Council:

THE COMMON SEAL OF THE  
ALPINE SHIRE COUNCIL was  
hereunto affixed this XX day of  
<Month> 20XX  
in the presence of:

.....  
COUNCILLOR

.....  
SIGNATURE

.....  
COUNCILLOR

.....  
SIGNATURE

.....  
CHIEF EXECUTIVE OFFICER

.....  
SIGNATURE



## 12. Addendum: The Fair Access Action Plan

**Principle 1: Community sports infrastructure and environments are genuinely welcoming, safe, and inclusive.**

Action	Timeframe	Responsibility	Indicator of success
Audit Council owned community sports infrastructure to determine suitability for women and girls (e.g., baby change facilities)	12 - 24 months	Property and Contracts Coordinator	All facilities audited within 2 years of policy adoption
Complete a Gender (or Equity) Impact Assessment (GIA) for any new community sports infrastructure	Ongoing	Manager Assets and Engineering	GIAs completed as required, progress reports submitted to Commission for Gender Equality in the Public Sector
Complete a Gender (or Equity) Impact Assessment (GIA) for any new policies, plans or programs	Ongoing	Property and Contracts Coordinator	GIAs completed as required, progress reports submitted to Commission for Gender Equality in the Public Sector

**Principle 2: Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator.**

Action	Timeframe	Responsibility	Indicator of Success
Promote and celebrate clubs with women in non-playing roles (e.g., coach, president)	(6 – 12 months)	Community Development Coordinator	Share case studies in minimum four council news items (or newsletters from sector partners, e.g., regional sports assembly)

**Principle 3: Women and girls will have equitable access to and use of community sport infrastructure:**

Action	Timeframe	Responsibility	Indicator of Success
Lease, License and Service Agreement with leagues and club committees will encourage consultation with players on preferred training and playing times prior to the commencement of the sports season to facilitate greater participation by women and girls.	Ongoing	Property and Contracts Coordinator	Evidence of consultation provided to council (e.g., survey results)

**Principle 5: Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use practices.**

Action	Timeframe	Responsibility	Indicator of Success
Educate all clubs in the Alpine Shire on the importance of welcome and safe environments (e.g., offensive photos and promotional materials are removed)	12 – 24 months	Property and Contracts Coordinator	Education materials distributed to sporting clubs and groups and Committees of Management

**Principle 6: Prioritise access, use and support to all user groups who demonstrate an on-going commitment to gender equitable access and use of allocated community sport infrastructure.**

Action	Timeframe	Responsibility	Indicator of Success
Community Grant Guidelines amended to include prioritisation of applications by Sports Club that embrace gender equity, and participation by women, girls & non-binary people in sports and sports leadership.	Immediate and ongoing	Community Development Coordinator	Increased applications for Community Grant for projects that support, enhance, and further women's participation in community sports.

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NO.2023/24-4 – 16 FEBRUARY 2024

# Audit and Risk Committee Meeting

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Minutes

## COMMITTEE MEMBERS

Julie Guest, Chair

Craig Covich

Gerard Moore

Jason Young

Cr John Forsyth

Cr Ron Janas

## OFFICERS

Will Jeremy, Chief Executive Officer

Helen Havercroft, Director Customer and Community

Alan Rees, Director Assets

Michael MacDonagh, Manager Growth and Future

Tony Cooper, Manager Corporate

Brian Bose, Accountant

## COUNCILLORS

Councillors have a standing invitation to attend the meeting as observers.

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Committee only time commenced at 09:00

Full meeting commenced at 09:22

## 1. Acknowledgement of Country

## 2. Apologies

Alan Rees, Director of Assets

Tony Cooper, Manager Corporate

Brian Bose, Accountant

## 3. Declarations by Committee members of conflict of interest

Nil

## 4. Confirmation of minutes

### 4.1 AUDIT AND RISK COMMITTEE MEETING NO. 2023/24-3, 24 NOVEMBER 2023

*The Audit and Risk Committee confirm the minutes of its Meeting No.2023/24-3 held on 24 November 2023.*

*Cr J Forsyth, Mayor*

*C Covich*

*Carried*

## 5. Standing items

### 5.1 PROGRESS OF AUDIT AND RISK COMMITTEE ACTIONS

*The Audit and Risk Committee note the progress of outstanding actions.*

### 5.2 PROGRESS / RESPONSE TO INTEGRITY ORGANISATION RECOMMENDATIONS / ACTIONS

#### Introduction

The Integrity Organisation Recommendations / Actions register is compiled by taking recommendations / actions from reports from various Integrity Organisations, such as Victorian Auditor General's Office, Victorian Ombudsman, etc. This register contains recommendations / actions from these reports and whether they require action from Alpine Shire or are for noting. Each meeting an update on the progress and status of the recommendations / actions will be presented to the Committee.

*The Audit and Risk Committee notes:*

*1. the progress of Integrity Organisation recommendations / actions, and*

- 2. this Register is a work in progress as part of the continuous improvement plan and a more complete report will be tabled at the May 2024 Committee meeting*

## 5.3 AUDIT AND RISK COMMITTEE WORKPLAN

### Introduction

The Audit and Risk Committee Workplan contains the actions that the Audit and Risk Committee are to undertake over an annual cycle, in line with the Audit and Risk Charter.

*That the Audit and Risk Committee note the Audit and Risk Committee Workplan is currently being developed as part of the continuous improvement plan and will form part of the Audit and Risk Committee meeting in May 2024.*

## 6. Reports by officers

### 6.1 AFTER ACTION REVIEW OF THE 2022-23 ANNUAL FINANCIAL / PERFORMANCE STATEMENT PROCESS

#### Introduction

The Committee note the information gathered from Council Officers on barriers and improvements to the Annual Financial and Performance Statement process.

*The Audit and Risk Committee note the barriers and improvements to the Annual Reporting Process.*

### 6.2 LOCAL GOVERNMENT FINANCE GENERAL UPDATE

#### Introduction

To provide information to the Committee on the financial impacts to the council's financial stability as a result of external influences.

*The Audit and Risk Committee:*

- 1. Note the information regarding Financial impacts on Council;*
- 2. Note the actions Council is taking to advocate or manage these pressures; and*
- 3. Note that the Financial Plan will be updated to reflect this information once roll over is complete*

*Additional Recommendations Carried by the Committee:*

- 4. That the committee expresses concerns of the potential impacts that the rate cap has on Council's services noting the rate of inflation and other rising costs and the committee supports Council's advocacy in this regard.*

Carried

## 6.3 ASSET MANAGEMENT UPDATE

The purpose of this report is to provide an update on key initiatives associated with Council's Asset Management.

*That the Audit and Risk Committee note this report.*

## 6.4 BRIGHT VALLEY DEVELOPMENT RISK PROFILE

### Introduction

To brief the Committee on how Council intends to resource the ongoing works in relation to the Bright Valley Development since planning approval was granted in late 2023 for stages 1 and 2.

*That the Audit and Risk Committee note the information contained in the presentation on the Bright Valley Development.*

*Following discussion amongst Committee members an additional recommendation was carried.*

*That the Audit and Risk Committee notes the verbal discussion relating to management of governance. Committee requests that any significant governance matter with material impact on the outcome be reported back to the committee at the next available meeting for noting.*

## 6.5 ALPINE SHIRE INSURANCE COSTS

### Introduction

To brief the Committee on Insurance Costs for Alpine Shire for 2023-24

*That the Audit and Risk Committee:*

- 1. Note the costs incurred by Alpine Shire Council for Insurance in 2023-24*
- 2. Note council is mitigating the risk of increasing costs.*

## 6.6 INTERNAL AUDIT PLAN

### Introduction

To provide information to the Committee on the previous council internal audit plan and a plan going forward for an internal audit function.

*That the Audit and Risk Committee:*

- 1. Note the previous Council Internal Audit Plan*
- 2. Note the Council will bring to the May Committee meeting a paper on the future of Council's internal audit process*

## 6.7 ELECTRICAL LINE CLEARANCE - MYRTLEFORD UPDATE

### Introduction

This report relates to Electrical Line Clearance (ELC) and maintaining trees around power lines within Myrtleford.

***That the Audit and Risk Committee:***

- 1. Notes Council's objective to align the responsibility and delivery of the ELC and maintenance of trees around power lines in Myrtleford with the industry practice by transferring this service to SP Ausnet Services***
- 2. Notes that Council has commenced the procurement of suitably experienced contractors to undertake tree maintenance and electrical line clearance work in Myrtleford.***

## **7. For information only**

### **7.1 2023/24 QUARTER 2 BUDGET REPORT**

Update requested on capital work projects that span multiple years.

**Noted**

### **7.2 2023/24 QUARTER 2 PERFORMANCE REPORT**

**Noted**

### **7.3 QUARTERLY INVESTMENT REPORT**

#### **Introduction**

The Committee note the summary investment report and its alignment with the Council's Financial Investment's Policy.

***That the Audit and Risk Committee:***

- 1. Note the Investment Report***
- 2. Note that investments were non-compliant with the council policy as at 31 December 2023.***
- 3. Note that Council Officers have addressed the non-compliant measures and all three measures will be compliant as at 29 February 2024.***

### **7.4 2023/24 QUARTER 2 PURCHASING AUDIT**

Quarterly purchasing audits are undertaken and reported to the Audit and Risk Committee in response to the findings of a 2014 internal audit review and to provide continuing assurance that Council's purchasing controls are effective and complied with.

The random sample testing is based on an even spread of purchases across all departments (15 in total) and spend thresholds as documented in the Procurement Policy. The sample excludes purchases under \$3,000, mandated services, utility services, credit cards, councillor expenses, levies payable to and money collected on behalf of other entities.

### **7.5 2023/24 QUARTER 2 CEO CREDIT CARD REPORT**

VAGO, in its fraud and corruption control review (June 2019) and 2019 Interim Management Letter, recommends that credit card expenditure be reviewed and reported to the Audit and Risk Committee for periodic review.

## 7.6 2023/24 QUARTER 2 COUNCILLOR ALLOWANCES AND EXPENSES

Section 40 of the *Local Government Act 2020* requires Council to reimburse Councillors for out-of-pocket expenses which the Council is satisfied:

1. are bona fide expenses; and
2. have been reasonably incurred in the performance of the role of Councillor; and
3. are reasonably necessary for the Councillor to perform their role.

Council is required to provide details of all reimbursements made under s40 of the Act to the Audit and Risk Committee.

Councillor allowances are scheduled to increase on 18 December 2023. Allowances are set by the Victorian Independent Remuneration Tribunal.

The Updated Allowance as at 18 December 2023 are:

	Category 1*
Mayor	81,641
Deputy Mayor	40,819
Councillors	26,368

Category 1 is small Rural Council's and includes Alpine Shire Council. Categories 2,3 and 4 are excluded from the above table.

## 7.7 2023/24 QUARTER 2 HEALTH AND SAFETY REPORT

Quarterly health and safety reports are prepared in accordance with Council's Health and Safety Management System (HSMS) and reported to the Audit and Risk Committee to provide continuing assurance that Council is monitoring its health and safety obligations and staff are complying with the requirements of the HSMS.

The Occupational Health & Safety Officer will present to the Committee at the May 2024 meeting.

## 7.8 APPROVED POLICY REGISTER – REVIEW STATUS UPDATE

VAGO in its 2015 Interim Management Letter recommended that Council review the appropriateness and currency of all policies.

The Approved Policy Register is reported to the Audit and Risk Committee to provide continuing assurance that Council is monitoring and maintaining the currency of its policies.

## 7.9 2024/25 BUDGET PROCESS

The 2024/25 Budget is being prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

The Budget will cover a four-year period, including the budget year 2024/25, and the subsequent three financial years.



Council prepares its budgets with the objective of balancing long-term financial sustainability and prioritised delivery against community needs as identified in the Council Plan.

## 7.10 EXTERNAL AUDITOR

RSD Audit finalised their six-year tenure as the Victorian Auditor General's Office (VAGO) audit service provider to the Alpine Shire Council, in late 2023. The Chief Executive Officer wrote to RSD Audit thanking them for their service over this period.

Johnson's MME were appointed by VAGO as the audit service provider for the 2023/24 cycle. VAGO issued audit engagement letters to the Mayor and Chief Executive Officer confirming this appointment in January 2024.

A meeting between Alpine Shire Council representative's and Johnson's MME is intended to occur before the end of February 2024.

Johnson's MME representative, Stephen Clarke, will be invited to all Audit and risk Committee meetings.

## 7.11 MINISTER FOR LOCAL GOVERNMENT – GOVERNANCE AND INTEGRITY MATTERS

Since the last Audit and Risk Committee meeting the Minister for Local Government has implemented Monitors or Administrators at the following councils. Information related to these matters can be found at:

<https://www.localgovernment.vic.gov.au/council-governance/independent-reports>

### 7.11.1 MUNICIPAL MONITORS

#### **Moonee Valley City Council – 29 January 2024**

Two monitors have been appointed to Moonee Valley Council to assist the Council address the governance concerns raised with the Minister. Phillip Carruthers will begin his role as monitor on 29 January 2024, with a second monitor to be announced shortly after.

The appointments will run for six months until 29 July 2024.

#### **Glenelg Shire Council – 13 November 2023**

Two monitors have been appointed to Glenelg Shire Council in response to the concerns raised by the former Mayor about culture in the council organisation. The monitors will support the Council to improve its governance and guide the recruitment of a new chief executive officer.

### 7.11.2 ADMINISTRATORS

#### **Strathbogie Shire Council – 6 December**

Mr Peter Stephenson has been appointed as interim administrator from 6 December 2023 until 6 March 2024 when an ongoing administrator will be appointed.

The Minister recommended the suspension for a failure to provide good governance. Before making the recommendation, the Minister considered responses from all councillors. The responses failed to identify the steps the Council has taken to address and remedy the difficulties underlying the failures identified by the municipal monitor.

## 7.12 ALPINE SHIRE COUNCIL ENTERPRISE AGREEMENT UPDATE

CEO to provide verbal update.

## 8. General business

### 8.1 OTHER BUSINESS

**Action: to check that Asbestosis on our Corporate Risk Register and provide an update report to the next meeting.**

#### 8.1.1 Changes to Committee Members

Welcome Cr Ron Janas to the Audit and Risk Committee.

Formally thank Cr Simon Kelley for his insightful contribution to the Committee.

## 9. Next meeting

The next meeting of the Audit and Risk Committee will be held on Friday 17 May 2024 at 9.00am.

INSTRUMENT OF DELEGATION

**Council to  
Chief Executive Officer**

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March 2024

## Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020* (the Act) and all other powers enabling it, the Alpine Shire Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on **26 March 2024**;
2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.

THE COMMON SEAL OF THE  
ALPINE SHIRE COUNCIL was  
hereunto affixed this 26th day of  
March 2024 in the presence of:

---

COUNCILLOR NAME

---

SIGNATURE

---

COUNCILLOR NAME

---

SIGNATURE

---

CHIEF EXECUTIVE OFFICER NAME

---

SIGNATURE

## Schedule

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

## Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 1.1. entering into a contract that exceeds the value of \$200,000 (excluding GST);
  - 1.2. making any expenditure that exceeds \$200,000 (excluding GST) unless it is:
    - 1.2.1. expenditure made under a contract already entered into; or
    - 1.2.2. for insurance premiums, in which case it must not exceed \$500,000 (excluding GST); or
    - 1.2.3. expenditure which Council is, by or under legislation, required to make including:
      - WorkCover premiums, in which case it must not exceed \$500,000 (excluding GST);
      - transferring the Fire Services Property Levy to the State Revenue Office; in which case it must not exceed \$1,500,000 (excluding GST); or
      - for any other amounts required under legislation, in which case it must not exceed \$500,000 (excluding GST).
  - 1.3. appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - 1.4. electing a Mayor or Deputy Mayor;
  - 1.5. granting a reasonable request for leave under s35 of the Act;
  - 1.6. making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - 1.7. approving or amending the Council Plan;
  - 1.8. adopting or amending any policy that Council is required to adopt under the Act;
  - 1.9. adopting or amending the Governance Rules;
  - 1.10. appointing the chair or the members to a delegated committee;
  - 1.11. making, amending or revoking a local law;
  - 1.12. approving the Budget or Revised Budget;

- 1.13. approving the borrowing of money;
- 1.14. subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges; or
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - 4.1. policy; or
  - 4.2. strategyadopted by Council;
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

INSTRUMENT OF DELEGATION

**Council to  
Members of Council Staff**

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March 2024

## Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

DELEGATE	TITLE
ACC	Accountant
AMC	Asset Management Coordinator
AOBEH	Administration Officer (Building and Environmental Health)
AOP	Administration Officer (Planning)
AOSLL	Administration Officer (Subdivision and Local Laws)
BC	Building Coordinator
BI	Building Inspector
BSL	Building Surveyor Limited
BSM	Municipal Building Surveyor
BSU	Building Surveyor Unlimited
CEO	Chief Executive Officer
CPC	Compliance Coordinator
CWC	Civil Works Coordinator
DA	Director Assets
DCC	Director Customer and Community
EACEO	Executive Assistant (CEO)
EC	Engineering Coordinator
ED	Civil Development Engineer
EO	Operations Engineer
EHC	Environmental Health Coordinator
EHO	Environmental Health Officer
EMC	Emergency Management Coordinator
FAO	Facilities Officer
FO	Finance Officer
FOS	Senior Finance Officer
GISAO	GIS and Assets Officer
GO	Governance Officer
LLO	Local Laws Officer
LLO2	Local Laws Officer
MBEH	Manager Building and Environmental Health



DELEGATE	TITLE
MC	Manager Corporate
MCD	Manager Community Development
MCE	Manager Customer Experience
MEA	Manager Engineering and Assets
MGF	Manager Growth and Future
MO	Manager Operations
MSPCL	Manager Statutory Planning, Compliance, and Local Laws
PC	Statutory Planning Coordinator
PO	Statutory Planning Officer
POD	Project Officer (Delivery)
POS	Senior Statutory Planning Officer
PMD	Project Manager (Delivery)
PTL	Capital Works Team Leader
PRCC	Property and Contracts Coordinator
PRO	Prosecutor
PRO2	Prosecutor
RC	Rates Coordinator
SP	Strategic Planner
SPC	Strategic Planning Coordinator
SPG	Graduate Strategic Planner
SPS	Senior Strategic Planner
TOA	Technical Officer (Assets)

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on **26 March 2024** and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation ;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
    - (a) policy; or
    - (b) strategyadopted by Council; or
  - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
  - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

THE COMMON SEAL OF THE  
ALPINE SHIRE COUNCIL was  
hereunto affixed this 26th day of  
March 2024 in the presence of:

.....  
COUNCILLOR NAME

.....  
SIGNATURE

.....  
COUNCILLOR NAME

.....  
SIGNATURE

.....  
CHIEF EXECUTIVE OFFICER NAME

.....  
SIGNATURE

## **SCHEDULE**

<i>CEMETERIES AND CREMATORIA ACT 2003</i> .....	<b>1</b>
<i>CEMETERIES AND CREMATORIA REGULATIONS 2015</i> .....	<b>11</b>
<i>DOMESTIC ANIMALS ACT 1994</i> .....	<b>14</b>
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## **CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	DA, MO, PRCC	<i>Note: Alpine Shire Council is defined as a Class B cemetery trust - only those clauses that apply to this class is delegated in this document.</i>
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for	DA, MO, PRCC	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) – (c) in exercising its	DA, MO, PRCC	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) – (n)	not delegated	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) – (e) in exercising its functions	not delegated	Where Council is a Class A cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	DA, MO, PRCC	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	not delegated	
s 15(4)	Duty to keep records of delegations	DA, MO, PRCC	
s 17(1)	Power to employ any persons necessary	CEO	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	CEO, DA, MO, PRCC	
s 17(3)	Power to determine the terms and conditions of employment or engagement	CEO	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	DA, MO, PRCC	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	not delegated	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	not delegated	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	not delegated	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	not delegated	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	not delegated	Where Council is a Class A cemetery trust

## **CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18D(2)	Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	not delegated	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i>	not delegated	Where Council is a Class A cemetery trust
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	not delegated	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	not delegated	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	not delegated	Where Council is a Class A cemetery trust
s 18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	not delegated	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	not delegated	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	not delegated	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	not delegated	Where Council is a Class A cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	not delegated	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	not delegated	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	not delegated	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	not delegated	Where Council is a Class A cemetery trust

## **CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	not delegated	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year	not delegated	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	CEO, DA, MO, PRCC	
s 20(1)	Duty to set aside areas for the interment of human remains	DA, MO, PRCC	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	CEO, DA, MO, PRCC	
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	CEO, DA, MO, PRCC	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	CEO	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	not delegated	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	not delegated	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	DA, MO, PRCC	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	not delegated	Provided the street was constructed pursuant to the <i>Local Government Act 2020</i>
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	DA, MO, PRCC	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DA, MO, PRCC	Report must contain the particulars listed in s 57(2)

## **CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 59	Duty to keep records for each public cemetery	DA, MO, PRCC	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	DA, MO, PRCC	
s 60(2)	Power to charge fees for providing information	CEO, DA, MO, PRCC	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	DA, MO, PRCC	
s 64B(d)	Power to permit interments at a reopened cemetery	CEO, DA, MO, PRCC	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	not delegated	The application must include the requirements listed in s 66(2)(a)–(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	DA, MO, PRCC	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	DA, MO, PRCC	
s 70(2)	Duty to make plans of existing place of interment available to the public	DA, MO, PRCC	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	CEO, DA, MO, PRCC	
s 71(2)	Power to dispose of any memorial or other structure removed	CEO, DA, MO, PRCC	
s 72(2)	Duty to comply with request received under s 72	DA, MO, PRCC	
s 73(1)	Power to grant a right of interment	CEO, DA, MO, PRCC	
s 73(2)	Power to impose conditions on the right of interment	CEO, DA, MO, PRCC	
s 74(3)	Duty to offer a perpetual right of interment	DA, MO, PRCC	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CEO, DA, MO, PRCC	

## **CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	DA, MO, PRCC	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	CEO, DA, MO, PRCC	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	DA, MO, PRCC	
s 80(2)	Function of recording transfer of right of interment	DA, MO, PRCC	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DA, MO, PRCC	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	DA, MO, PRCC	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	CEO, DA, MO, PRCC	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	DA, MO, PRCC	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	DA, MO, PRCC	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	CEO, DA, MO, PRCC	
s 84I(4)	Power to exercise the rights of a holder of a right of interment	CEO, DA, MO, PRCC	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	DA, MO, PRCC	
84I(6)(a)	Power to remove any memorial on the place of interment	CEO, DA, MO, PRCC	
s 84I(6)(b)	Power to grant right of interment under s 73	CEO, DA, MO, PRCC	
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DA, MO, PRCC	The notice must be in writing and contain the requirements listed in s 85(2)



## **CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	DA, MO, PRCC	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location	CEO, DA, MO, PRCC	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	CEO, DA, MO, PRCC	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	CEO, DA, MO, PRCC	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	CEO, DA, MO, PRCC	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	CEO, DA, MO, PRCC	
s 86(4)	Power to take action under s 86(4) relating to removing and re-interring cremated human remains	CEO, DA, MO, PRCC	
s 86(5)	Duty to provide notification before taking action under s 86(4)	DA, MO, PRCC	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	DA, MO, PRCC	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	DA, MO, PRCC	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	DA, MO, PRCC	
s 91(1)	Power to cancel a right of interment in accordance with s 91	CEO, DA, MO, PRCC	

## **CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 91(3)	Duty to publish notice of intention to cancel right of interment	DA, MO, PRCC	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	CEO, DA, MO, PRCC	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	DA, MO, PRCC	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	CEO, DA, MO, PRCC	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	DA, MO, PRCC	
s 100(1)	Power to require a person to remove memorials or places of interment	CEO, DA, MO, PRCC	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	CEO, DA, MO, PRCC	
s 100(3)	Power to recover costs of taking action under s 100(2)	CEO, DA, MO, PRCC	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	DA, MO, PRCC	
s 102(1)	Power to approve or refuse an application under s 101, if satisfied of the matters in (b) and (c)	CEO, DA, MO, PRCC	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	CEO, DA, MO, PRCC	
s 103(1)	Power to require a person to remove a building for ceremonies	CEO, DA, MO, PRCC	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	CEO, DA, MO, PRCC	

## **CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 103(3)	Power to recover costs of taking action under s 103(2)	CEO, DA, MO, PRCC	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	CEO, DA, MO, PRCC	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	CEO, DA, MO, PRCC	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	CEO, DA, MO, PRCC	
s 106(4)	Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	CEO, DA, MO, PRCC	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	CEO, DA, MO, PRCC	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	CEO, DA, MO, PRCC	
s 108	Power to recover costs and expenses	CEO, DA, MO, PRCC	
s 109(1)(a)	Power to open, examine and repair a place of interment	CEO, DA, MO, PRCC	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	CEO, DA, MO, PRCC	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	CEO, DA, MO, PRCC	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the Secretary	CEO, DA, MO, PRCC	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent	CEO, DA, MO, PRCC	

## **CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	CEO, DA, MO, PRCC	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any <del>deceased identified veteran</del>	CEO, DA, MO, PRCC	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	CEO, DA, MO, PRCC	
s 112	Power to sell and supply memorials	CEO, DA, MO, PRCC	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	DA, MO, PRCC	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	CEO, DA, MO, PRCC	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	CEO, DA, MO, PRCC	
s 119	Power to set terms and conditions for interment authorisations	CEO, DA, MO, PRCC	
s 131	Function of receiving an application for cremation authorisation	DA, MO, PRCC	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	DA, MO, PRCC	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	DA, MO, PRCC	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	CEO, DA, MO, PRCC	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	CEO, DA, MO, PRCC	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	DA, MO, PRCC	

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<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	CEO, DA, MO, PRCC	
s 151	Function of receiving applications to inter or cremate body parts	DA, MO, PRCC	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	CEO, DA, MO, PRCC	
SCHEDULE 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	CEO, DA, MO, PRCC	
SCHEDULE 1 cl 8(8)	Power to regulate own proceedings	CEO, DA, MO, PRCC	Subject to cl 8
SCHEDULE 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	not delegated	Where Council is a Class A cemetery trust
SCHEDULE 1A cl 8(8)	Power to regulate own proceedings	not delegated	Where Council is a Class A cemetery trust. Subject to cl 8.

## **CEMETERIES AND CREMATORIA REGULATIONS 2015**

These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act* 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 24	Duty to ensure that cemetery complies with depth of burial requirements	DCC, MO, PRCC	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	DCC, MO, PRCC	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	not delegated	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	not delegated	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	not delegated	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	not delegated	
r 30(2)	Power to release cremated human remains to certain persons	not delegated	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	not delegated	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	not delegated	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	not delegated	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	not delegated	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	DA, MO, PRCC	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	DA, MO, PRCC	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	DA, MO, PRCC	
r 34	Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	DA, MO, PRCC	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	not delegated	

## **CEMETERIES AND CREMATORIA REGULATIONS 2015**

These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act* 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 40	Power to approve a person to play sport within a public cemetery	CEO, DA, MO, PRCC	
r 41(1)	Power to approve fishing and bathing within a public cemetery	CEO, DA, MO, PRCC	
r 42(1)	Power to approve hunting within a public cemetery	CEO, DA, MO, PRCC	
r 43	Power to approve camping within a public cemetery	CEO, DA, MO, PRCC	
r 45(1)	Power to approve the removal of plants within a public cemetery	CEO, DA, MO, PRCC	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CEO, DA, MO, PRCC	
r 47(3)	Power to approve the use of fire in a public cemetery	CEO, DA, MO, PRCC	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CEO, DA, MO, PRCC	
<b>Note: SCHEDULE 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules</b>			
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	DA, MO, PRCC	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DA, MO, PRCC	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	CEO, DA, MO, PRCC	See note above regarding model rules

## **CEMETERIES AND CREMATORIA REGULATIONS 2015**

These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act* 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>DELEGATE</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	DA, MO, PRCC	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CEO, DA, MO, PRCC	See note above regarding model rules



<b><u>DOMESTIC ANIMALS ACT 1994</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s 41A(1)	Power to declare a dog to be a menacing dog	DCC, MSPCL, LLO, LLO2, CPC	Council may delegate this power to a Council authorised officer

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	DCC, MBEH, EHC, EHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	DCC, MBEH, EHC, EHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	DCC, MBEH, EHC, EHO	If s 19(1) applies. Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DCC, MBEH, EHC, EHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	DCC, MBEH, EHC, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	DCC, MBEH, EHC, EHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	DCC, MBEH, EHC, EHO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	DCC, MBEH, EHC, EHO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19EA(3)	Function of receiving copy of revised food safety program	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	DCC, MBEH, EHC, EHO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	DCC, MBEH, EHC, EHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	DCC, MBEH, EHC, EHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	DCC, MBEH, EHC, EHO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	DCC, MBEH, EHC, EHO	Where Council is the registration authority
---	Power to register, or renew or transfer the registration of a food premises	DCC, MBEH, EHC, EHO	Where Council is the registration authority Refusal to grant/ or renew/transfer the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	DCC, MBEH, EHC, EHO	Where Council is the registration authority.
s36B	Duty to pay the charge for use of online portal	DCC, MBEH, EHC, EHO	Where Council is the registration authority.
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	DCC, MBEH, EHC, EHO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	DCC, MBEH, EHC, EHO	Where Council is the registration authority. Not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	DCC, MBEH, EHC, EHO	Where Council is the registration authority.
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	DCC, MBEH, EHC, EHO	Where Council is the registration authority.
39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 39A	Power to register, or renew the registration of a or transfer food premises despite minor defects	DCC, MBEH, EHC, EHO	Where Council is the registration authority. Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	DCC, MBEH, EHC, EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	DCC, MBEH, EHC, EHO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	DCC, MBEH, EHC, EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	DCC, MBEH, EHC, EHO	
s 40F	Power to cancel registration of food premises	DCC, MBEH, EHC, EHO	Where Council is the registration authority.
s 43	Duty to maintain records of registration	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	DCC, MBEH, EHC, EHO	Where Council is the registration authority
s 45AC	Power to bring proceedings	DCC, MBEH, EHC	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	DCC, MBEH, EHC, EHO, PRO	Where Council is the registration authority

<b>HERITAGE ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO	Must first obtain Executive Director's written consent. Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

<b><u>LOCAL GOVERNMENT ACT 1989</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 185L(4)	Power to declare and levy a cladding rectification charge	<a href="#">CEO<sup>[1]</sup></a>	

[\[1\] The only member of staff who can be a delegate in Column 3 is the CEO.](#)



**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 4B	Power to prepare an amendment to the Victoria Planning Provisions	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 4I(2)	Duty to make a copy of the Victoria Planning Provisions and other documents available in accordance with public availability requirements	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 8A(5)	Function of receiving notice of the Minister's decision	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 12B(1)	Duty to review planning scheme	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 17(1)	Duty of giving copy amendment to the planning scheme	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 17(2)	Duty of giving copy s 173 agreement	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	Until the proposed amendment is approved or lapsed
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 22(1)	Duty to consider all submissions received before the date specified in the notice	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission. Duty to consider a late submission if directed to do so by the Minister	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s197B of the Act	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	

## PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 28(1)	Duty to notify the Minister if abandoning an amendment	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	DA, DCC, MGF, MSPCL, PC	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	DA, DCC, MGF, MSPCL, PC	
s 30(4)(a)	Duty to say if amendment has lapsed	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 30(4)(b)	Duty to provide information in writing upon request	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 32(2)	Duty to give more notice if required	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 33(1)	Duty to give more notice of changes to an amendment	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 36(2)	Duty to give notice of approval of amendment	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 38(5)	Duty to give notice of revocation of an amendment	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	

## PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Function of lodging copy of approved amendment	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	not delegated	Where Council is a responsible public entity and is a planning authority. Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils - <i>and does not affect Alpine Shire Council.</i>
s 46AW	Function of being consulted by the Minister	DA, DCC, MGF, MSPCL, SPC, PC	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy. Power to endorse the draft Statement of Planning Policy	DA, DCC, MGF, MSPCL, SPC, PC	Where Council is a responsible public entity

## PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DA, DCC, MGF, MSPCL, SPC, PC	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DA, DCC, MGF, MSPCL, SPC, PC	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	not delegated	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.  <i>There are no Development Contribution Plans incorporated in the Alpine Planning Scheme. Currently, Infrastructure Contribution Plans only apply to the Metropolitan Greenfield Growth Area surrounding Melbourne. Therefore, no delegations are made regarding these provisions for Alpine Shire Council</i>
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	not delegated	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	not delegated	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	not delegated	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	not delegated	
s 46GP	Function of receiving a notice under s 46GO	not delegated	Where Council is the collecting agency

<b><u>PLANNING AND ENVIRONMENT ACT 1987</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	not delegated	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	not delegated	
s 46GR(2)	Power to consider a late submission. Duty to consider a late submission if directed to do so by the Minister	not delegated	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	not delegated	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	not delegated	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	not delegated	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	not delegated	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	not delegated	
s 46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	not delegated	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution. Power to specify the manner in which the payment is to be made	not delegated	Where Council is the collecting agency



**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GV(3)(b)	Power to enter into an agreement with the applicant	not delegated	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	not delegated	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	not delegated	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	not delegated	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	not delegated	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	not delegated	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	not delegated	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	not delegated	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	not delegated	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan. This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	not delegated	Where the Council is the planning authority. This duty does not apply where Council is also the collecting agency

<b><u>PLANNING AND ENVIRONMENT ACT 1987</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	not delegated	Where Council is the development agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	not delegated	Where Council is the development agency specified in the approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan.

## PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	not delegated	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4). Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	not delegated	Where Council is the development agency under an approved infrastructure contributions plan. This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	not delegated	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	not delegated	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	not delegated	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	not delegated	If the VPA is the collecting agency under an approved infrastructure contributions plan. Where Council is a development agency under an approved infrastructure contributions plan

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	not delegated	Where Council is the development agency under an approved infrastructure contributions plan.
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	not delegated	Where Council is the development agency under an approved infrastructure contributions plan. This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan. This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	not delegated	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	not delegated	Where Council is the development agency under an approved infrastructure contributions plan

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZF(3)	Function of receiving proceeds of sale	not delegated	Where Council is the collection agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	not delegated	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	not delegated	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	not delegated	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	not delegated	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	not delegated	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	not delegated	

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	not delegated	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	not delegated	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	not delegated	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	not delegated	
s 46Q(1)	Duty to keep proper accounts of levies paid	not delegated	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	not delegated	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	not delegated	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	not delegated	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	not delegated	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister.
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	not delegated	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	not delegated	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	not delegated	

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46QD	Duty to prepare report and give a report to the Minister	not delegated	Where Council is a collecting agency or development agency.
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	not delegated	<i>Does not apply to Alpine Shire Council</i>
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribed fee, after the inspection period	not delegated	<i>Does not apply to Alpine Shire Council</i>
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	not delegated	<i>Does not apply to Alpine Shire Council</i>
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public availability requirements	not delegated	<i>Does not apply to Alpine Shire Council</i>
s 46Y	Duty to carry out works in conformity with the approved strategy plan	not delegated	<i>Does not apply to Alpine Shire Council</i>
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DCC, MSPCL, PC, POS, PO	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 50(4)	Duty to amend application	DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 50(5)	Power to refuse to amend application	CEO, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 50(6)	Duty to make note of amendment to application in register	DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 50A(1)	Power to make amendment to application	CEO, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 50A(4)	Duty to note amendment to application in register	DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DCC, MSPCL, PC, POS, PO	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	DCC, MSPCL, PC, POS, PO	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DCC, MSPCL, PC, POS, PO	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	DCC, MSPCL, PC, POS, PO	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	DCC, MSPCL, PC, POS, PO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DCC, MSPCL, PC, POS, PO	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DCC, MSPCL, PC, POS, PO	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DCC, MSPCL, PC, POS, PO	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, DCC, MSPCL, PC, POS, PO	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, DCC, MSPCL, PC, POS, PO	
s 54(1)	Power to require the applicant to provide more information	CEO, DCC, MSPCL, PC, POS, PO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DCC, MSPCL, PC, POS, PO	
s 54(1B)	Duty to specify the lapse date for an application	DCC, MSPCL, PC, POS, PO	

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, DCC, MSPCL, PC, POS, PO	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time und s 54A(3)	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DCC, MSPCL	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availaiblity requirements	DCC, MSPCL,PC, POS, PO, AOSLL, AOP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 57A(5)	Power to refuse to amend application	CEO, DCC, MSPCL, PC	
64	Duty to note amendments to application in register	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 57B(1)	Duty to determine whether and to whom notice should be given	DCC, MSPCL, PC, POS, PO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DCC, MSPCL, PC, POS, PO	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57C(1)	Duty to give copy of amended application to referral authority	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 58	Duty to consider every application for a permit	DCC, MSPCL, PC, POS, PO	
s 58A	Power to request advice from the Planning Application Committee	CEO, DCC, MSPCL, PC	
s 60	Duty to consider certain matters	DCC, MSPCL, PC, POS, PO	
s 60(1A)	Duty to consider certain matters	DCC, MSPCL, PC, POS, PO	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DCC, MSPCL, PC, POS, PO	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, DCC, MSPCL, PC	1. The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> 2. Exercise of delegation must align with any approved operational guidelines in operation at time of decision
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DCC, MSPCL, PC, POS, PO	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, DCC, MSPCL, PC	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	not delegated	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	not delegated	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DCC, MSPCL, PC, POS, PO	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DCC, MSPCL, PC, POS, PO	
s 62(2)	Power to include other conditions	CEO, DCC, MSPCL, PC, POS	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DCC, MSPCL, PC, POS, PO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, DCC, MSPCL, PC	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO, DCC, MSPCL, PC	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DCC, MSPCL, PC	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DCC, MSPCL, PC, POS, PO	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DCC, MSPCL, PC, POS, PO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DCC, MSPCL, PC, POS, PO	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DCC, MSPCL, PC, POS, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	DCC, MSPCL, PC, POS, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 64(5)	Duty to give each objector a copy of an exempt decision	DCC, MSPCL, PC, POS, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DCC, MSPCL, PC, POS, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 69(1)	Function of receiving application for extension of time of permit	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 69(1A)	Function of receiving application for extension of time to complete development	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 69(2)	Power to extend time	CEO, DCC, MSPCL, PC, POS	
s 70	Duty to make copy permit available in accordance with public availability requirements	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 71(1)	Power to correct certain mistakes	CEO, DCC, MSPCL, PC, POS	
s 71(2)	Duty to note corrections in register	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 73	Power to decide to grant amendment subject to conditions	CEO, DCC, MSPCL, PC, POS	
s 74	Duty to issue amended permit to applicant if no objectors	DCC, MSPCL, PC, POS, PO	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	DCC, MSPCL, PC, POS, PO	
s 83	Function of being respondent to an appeal	DCC, MSPCL, PC, POS, PO	
s 83B	Duty to give or publish notice of application for review	DCC, MSPCL, PC, POS, PO	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, DCC, MSPCL, PC	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DCC, MSPCL, PC, POS, PO	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DCC, MSPCL, PC, POS, PO	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	DCC, MSPCL, PC, POS, PO	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DCC, MSPCL, PC	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	DCC, MSPCL, PC, POS, PO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DCC, MSPCL, PC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DCC, MSPCL, PC, POS, PO	
s 91(2)	Duty to comply with the directions of VCAT	DCC, MSPCL, PC, POS, PO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DCC, MSPCL, PC, POS, PO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DCC, MSPCL, PC, POS, PO	
s 93(2)	Duty to give notice of VCAT order to stop development	DCC, MSPCL, PC, POS, PO, CPC	
s 95(3)	Function of referring certain applications to the Minister	DCC, MSPCL, PC, POS, PO	
s 95(4)	Duty to comply with an order or direction	DCC, MSPCL, PC, POS, PO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DA, DCC	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG,	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO	
s 96F	Duty to consider the panel's report under s 96E	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	CEO, DA, DCC, MGF, MSPCL, SPC PC	
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 96J	Duty to issue permit as directed by the Minister	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	not delegated	
s 97C	Power to request Minister to decide the application	CEO, DCC, MSPCL	

## PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DCC, MSPCL, PC, POS, PO	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, DCC, MSPCL, PC	Within Financial Delgations
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DCC, MSPCL, PC	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DCC, MSPCL, PC, POS, PO	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DCC, MSPCL, PC, POS, PO	
s 97Q(4)	Duty to comply with directions of VCAT	DCC, MSPCL, PC, POS, PO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 101	Function of receiving claim for expenses in conjunction with claim	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DA, DCC, MGF, MSPCL	
s 107(1)	Function of receiving claim for compensation	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC	
s 107(3)	Power to agree to extend time for making claim	CEO, DA, DCC, MGF, MSPCL	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO, DA, DCC, MGF, MSPCL	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DCC, MSPCL, PC, POS, PO, CPC	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DCC, MSPCL, PC, POS, PO, CPC	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DCC, MSPCL, PC, POS, PO, CPC	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, DCC, MSPCL, PC, POS, PO, CPC	

## PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DA, DCC, MGF, MSPCL	Except Crown Land
s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order	CEO, DCC, MSPCL, PC, POS, PO, CPC	Section 123 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i> applies on an application to the Tribunal.
s 129	Function of recovering penalties	DCC, MSPCL, PC, POS, PO, CPC	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DCC, MSPCL, PC, CPC	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DCC, MSPCL, PC, POS, PO, CPC	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	CEO, DCC, MSPCL, PC, POS, PO, CPC	
s 149B	Power to apply to the Tribunal for a declaration	CEO, DCC, MSPCL, PC, POS, PO, CPC	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	DA, DCC, MGF, SPC, SPS, SP, SPG	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, CPC	
s 171(2)(g)	Power to grant and reserve easements	CEO, DA, DCC, MGF, MSPCL	

## PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	not delegated	Where Council is a development agency specified in an approved infrastructure contributions plan <i>As previously stated, ICPs do not apply to Alpine Shire Council.</i>
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	not delegated	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	not delegated	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, DCC	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	not delegated	Where Council is the relevant responsible authority
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	CEO, DA, DCC, MGF, MSPCL, SPC, SPS, PC, POS, CPC	
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	CEO, DA, DCC, MGF, MSPCL, SPC, PC	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DCC, MSPCL, PC	
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DCC, MSPCL, PC	
s 178A(1)	Function of receiving application to amend or end an agreement	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	

## PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DCC, MSPCL, PC	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DCC, MSPCL, PC	
s 178A(5)	Power to propose to amend or end an agreement	CEO, DCC, MSPCL, PC	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DCC, MSPCL, PC	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DCC, MSPCL, PC	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DCC, MSPCL, POS, PO, AOSLL, AOP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DCC, MSPCL, POS, PO	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DCC, MSPCL, POS, PO	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DCC, MSPCL, PC	If no objections are made under s 178D. Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DCC, MSPCL, PC	If no objections are made under s 178D. Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DCC, MSPCL, PC	If no objections are made under s 178D. Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DCC, MSPCL, PC	After considering objections, submissions and matters in s 178B.
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DCC, MSPCL, PC	After considering objections, submissions and matters in s 178B
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DCC, MSPCL, PC	After considering objections, submissions and matters in s 178B

<b><u>PLANNING AND ENVIRONMENT ACT 1987</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, DCC, MSPCL, PC	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DCC, MSPCL, POS, PO, AOSLL, AOP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DCC, MSPCL, POS, PO, AOSLL, AOP	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DCC, MSPCL, PC	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DCC, MSPCL, PC	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DCC, MSPCL, PC, POS, PO	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DCC, MSPCL, POS, PO, AOSLL, AOP	
s 179(2)	Duty to make a copy of each agreement available in accordance with the public availability requirements	DCC, MSPCL, POS, PO, AOSLL, AOP	
s 181	Duty to apply to the Registrar of Titles to record the agreement	DCC, MSPCL, POS, PO	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DCC, MSPCL, POS, PO	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DCC, MSPCL, POS, PO	

## PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 182	Power to enforce an agreement	CEO, DCC, MSPCL, PC, POS, PO, CPC	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DCC, MSPCL, POS, PO	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, DCC, MSPCL, PC	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DCC, MSPCL, PC	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DCC, MSPCL, POS, PO	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DCC, MSPCL, POS, PO, AOSLL, AOP	
s 184G(2)	Duty to comply with a direction of the Tribunal	DCC, MSPCL, POS, PO, AOSLL, AOP	
s 184G(3)	Duty to give notice as directed by the Tribunal	DCC, MSPCL, POS, PO, AOSLL, AOP	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, CPC, AOSLL, AOP	
s 198(1)	Function to receive application for planning certificate	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	



<b><u>PLANNING AND ENVIRONMENT ACT 1987</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 199(1)	Duty to give planning certificate to applicant	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	
s 201(1)	Function of receiving application for declaration of underlying zoning	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 201(3)	Duty to make declaration	DA, DCC, MGF, MSPCL, SPC, SPS, PC, POS	
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, DCC, MSPCL, PC, POS, CPC	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CEO, DCC, MSPCL, PC, POS,	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CEO, DCC, MSPCL, PC, POS,	
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DCC, MSPCL, PC, POS,	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	not delegated	GAIC does not apply to Alpine Shire Council.
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	not delegated	GAIC does not apply to Alpine Shire Council.

<b><u>PLANNING AND ENVIRONMENT REGULATIONS 2015</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r 21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	CEO, DCC, MSPCL, PC, POS, PO	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available in accordance with the public availability requirements	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	DCC, MSPCL, PC, POS, PO, AOSLL, AOP	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	DA, DCC, MGF, MSPCL, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

<b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DA, DCC, MGF, MSPCL	
r20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DA, DCC, MGF, MSPCL	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	CEO, DA, DCC, MGF, MSPCL	

<b><u>RESIDENTIAL TENANCIES ACT 1997</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, DCC, DA, MCD, EMC, MBEH, BSM, EHC, EHO, CPC, MO, PRCC	
s 522(1)	Power to give a compliance notice to a person	CEO, DCC, MBEH, MCE, EHC, EHO, PRCC, FAO, EC	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO	
s 525(4)	Duty to issue identity card to authorised officers	GO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	MBEH, MCE, EHC, EHO, AOBEL, PRCC, FAO	
s 526A(3)	Function of receiving report of inspection	CEO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO	

<b><u>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 7	Power to enter into a written agreement with a caravan park owner	CEO, DCC, MSPCL, MBEH, CPC, EHC, EHO	
r 10	Function of receiving application for registration	MBEH, EHC, EHO, AOBEL	
r 11	Function of receiving application for renewal of registration	MBEH, EHC, EHO, AOBEL	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEO, DCC, MBEH, EHC, EHO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, DCC, MBEH, EHC, EHO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEO, DCC, MBEH, EHC, EHO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, DCC, MBEH, EHC, EHO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CEO, DCC, MBEH, EHC, EHO	
r 12(4) & (5)	Duty to issue certificate of registration	CEO, DCC, MBEH, EHC, EHO	
r 14(1)	Function of receiving notice of transfer of ownership	MBEH, BSM, BSL, BSU, EHC, EHO, AOBEL	
r 14(3)	Power to determine where notice of transfer is displayed	MBEH, EHC, EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	MBEH, EHC, EHO	
r 15(2)	Duty to issue a certificate of transfer of registration	MBEH, EHC, EHO	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	MBEH, EHC, EHO	

<b><u>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	MBEH, EHC, EHO	
r 17	Duty to keep register of caravan parks	MBEH, BSM, BSL, BSU, EHC, EHO, AOBFH	
r 18(4)	Power to determine where the emergency contact person's details are displayed	MBEH, EHC, EHO, AOBFH	
r 18(6)	Power to determine where certain information is displayed	DCC, MSPCL, MBEH, CPC, EHC,	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	MBEH, EHC, EHO	
r 22(2)	Duty to consult with relevant emergency services agencies	MBEH, EHC, EHO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	MBEH, EHC, EHO, BSM, BSL, BSU	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	MBEH, EHC, EHO, BSM, BSL, BSU	
r 25(3)	Duty to consult with relevant floodplain management authority	MBEH, EHC, EHO, BSM, BSL, BSU	
r 26	Duty to have regard to any report of the relevant fire authority	MBEH, EHC, EHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	DCC, MBEH, EHC, EHO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MBEH, BSM, BSL, BSU, EHC, EHO, AOBFH	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	DCC, MSPCL, MBEH, CPC, EHC, EHO	

<b><u>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 41(4)	Function of receiving installation certificate	MBEH, BSM, BSL, BSU, EHC, EHO, AOBEL	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MBEH, BSM, BSL, BSU, EHC, EHO	
Sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MBEH, EHC, EHO	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO	
s 11(9)(b)	Duty to advise Registrar	DA, DCC, MEA, MSPCL	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DA, DCC, MEA, MSPCL	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DA, DCC, MEA, MSPCL	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	CEO, DA	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	CEO, DA, MEA,	Power of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	CEO, DA, MEA	Duty of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	CEO, DA, MEA	Function of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	DA, MEA	Duty of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(10)	Duty to notify of decision made	DA, MEA	Duty of coordinating road authority where it is the discontinuing body. Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	CEO, DA, MEA	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, DA	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, DA	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, DA	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, DA	
s 15(2)	Duty to include details of arrangement in public roads register	DA, MO, GISAO, EC, ED, EO, AMC	
s 16(7)	Power to enter into an arrangement under s 15	CEO, DA, DCC	
s 16(8)	Duty to enter details of determination in public roads register	DA, MO, GISAO, EC, ED, EO, AMC	
s 17(2)	Duty to register public road in public roads register	DA, MO, GISAO, EC, ED, EO, AMC	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, DA	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	DA, MO, GISAO, EC, ED, EO, AMC	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CEO, DA, DCC	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	DA, MO, GISAO, EC, ED, EO, AMC	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CEO, DA	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	DA, MO, GISAO, EC, ED, EO, AMC	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	DA, MO, GISAO, EC, ED, EO, AMC	
s 19(4)	Duty to specify details of discontinuance in public roads register	DA, MO, GISAO, EC, ED, EO, AMC	
s 19(5)	Duty to ensure public roads register is available for public inspection	DA, MO, GISAO, EC, ED, EO, AMC	
s 21	Function of replying to request for information or advice	CEO, DA, MEA, MO	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DA, MEA, MO	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	CEO, DA, MEA, MO, GO	
s 22(5)	Duty to give effect to a direction under s 22	CEO, DA, MEA, MO	
s 40(1)	Duty to inspect, maintain and repair a public road	DA, MO, MEA, CWC, EC, DE, TOA	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DA, MO, MEA, CWC, EC, DE, TOA	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DA, MEA, EC, ED, EO, AMC	
s 42(1)	Power to declare a public road as a controlled access road	CEO, DA	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CEO, DA	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	DA, MO	Where Council is the coordinating road authority. If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, DA	Where Council is the coordinating road authority. If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DA, MEA, MO	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	DA, DCC, MEA, MO, MSPCL, MGF	
s 49	Power to develop and publish a road management plan	CEO, DA, MEA, AMC	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, DA, MEA, AMC	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, DA	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54(2)	Duty to give notice of proposal to make a road management plan	CEO, DA, MEA, AMC	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CEO, DA, MEA, AMC	
s 54(6)	Power to amend road management plan	CEO, DA, MEA, AMC	
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, DA, MEA, AMC	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO, DA, MEA, AMC	
s 63(1)	Power to consent to conduct of works on road	CEO, DA, MEA, AMC, EC, TOA	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CEO, DA, MEA, MO, CWC, EC, ED, EO, TOA	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	DA, MEA, MO	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DA, DCC, MEA, MO, MSPCL, LLO, CPC	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	DA, DCC, MEA, MO, MSPCL, LLO, CPC	Where Council is the coordinating road authority
s 67(3)	Power to request information	DA, DCC, MEA, MO, MSPCL, LLO, CPC	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 68(2)	Power to request information	DA, DCC, MEA, MO, MSPCL, LLO, CPC	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO	
s 72	Duty to issue an identity card to each authorised officer	MC, GO	
s 85	Function of receiving report from authorised officer	DA, DCC, MEA, MO, MSPCL, GO	
s 86	Duty to keep register re s 85 matters	DA, DCC, MEA, MO, MSPCL, GO	
s 87(1)	Function of receiving complaints	CEO, DA, MEA, MO	
s 87(2)	Duty to investigate complaint and provide report	CEO, DA, DCC, MO, MEA	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO	
s 112(2)	Power to recover damages in court	CEO, DA	
s 116	Power to cause or carry out inspection	DA, MEA, MO	
s 119(2)	Function of consulting with the Head, Transport for Victoria	DA, MEA, MO	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DA, MEA, MO	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	DA, MEA, MO	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 121(1)	Power to enter into an agreement in respect of works	DA, MEA, MO	
s 122(1)	Power to charge and recover fees	DA, DCC, MO, MSPCL, MC	
s 123(1)	Power to charge for any service	DA, DCC, MO, MSPCL, MC	
SCHEDULE 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, DA	
SCHEDULE 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, DA	
SCHEDULE 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, DA	
SCHEDULE 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, DA	
SCHEDULE 2 cl 5	Duty to publish notice of declaration	CEO, DA	
SCHEDULE 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DA, MEA, MO	Where Council is the infrastructure manager or works manager
SCHEDULE 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DA, MEA, MO	Where Council is the infrastructure manager or works manager
SCHEDULE 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DA, MEA, MO, EC, ED, EO	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

<b><u>ROAD MANAGEMENT ACT 2004</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
SCHEDULE 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO, GISAO, AMC	Where Council is the infrastructure manager or works manager
SCHEDULE 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO, GISAO, AMC	Where Council is the infrastructure manager or works manager
SCHEDULE 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 12(5)	Power to recover costs	DA, DCC, MEA, MO, MC, ACC	Where Council is the coordinating road authority
SCHEDULE 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the works manager
SCHEDULE 7 cl 13(2)	Power to vary notice period	CEO, DA	Where Council is the coordinating road authority
SCHEDULE 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the infrastructure manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
SCHEDULE 7 cl 16(1)	Power to consent to proposed works	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 16(4)	Duty to consult	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority, responsible authority or infrastructure manager
SCHEDULE 7 cl 16(5)	Power to consent to proposed works	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 16(6)	Power to set reasonable conditions on consent	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 16(8)	Power to include consents and conditions	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 18(1)	Power to enter into an agreement	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 19(1)	Power to give notice requiring rectification of works	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
SCHEDULE 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7A cl 2	Power to cause street lights to be installed on roads	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
SCHEDULE 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DA, MEA, MO, MC, ACC	Where Council is the responsible road authority
SCHEDULE 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	DA, MEA, MO, MC, ACC	Where Council is the responsible road authority
SCHEDULE 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	DA, MEA, MO, MC, ACC	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 8(1)	Duty to conduct reviews of road management plan	CEO, DA, MEA, AMC	
r 9(2)	Duty to produce written report of review of road management plan and make report available	DA, MEA	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	DA, MEA	Where Council is the coordinating road authority
r 10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	DA, MEA	
r 13(1)	Duty to publish notice of amendments to road management plan	DA, MEA	Where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	DA, MEA	
r 16(3)	Power to issue permit	DA, MO, MEA, PTL, PMD, POD, EC, ED, EO, TOA	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CEO, DA, MO, MEA, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CEO, DA, DCC, MO, MEA, MSPCL	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) <i>Road Management Act</i>	CEO, DA, DCC, MC	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, DA, MO, MEA, TOA, CWC, BC, LLO, LLO2, CPC, EC, ED, EO, PTL, PMD, POD	Where Council is the responsible road authority

<b><u>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CEO, DA, DCC, MEA, MC, MO	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DA, DCC, MEA, MC, MO	

<b><u>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CEO, DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CEO, DA, DCC, MEA, MO, MC	Where Council is the coordinating road authority

INSTRUMENT OF SUB-DELEGATION

**Council to**

**Members of Council Staff**

*(Environment Protection Act 2017)*

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March 2024

## Instrument of Sub-Delegation

By this Instrument of Sub-Delegation, in exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described in column 3 of the Schedule;
2. record that references in the Schedule are as follows

DELEGATE	TITLE
CPC	Compliance Coordinator
DCC	Director Customer and Community
EHC	Environmental Health Coordinator
EHO	Environmental Health Officer
LLO	Local Laws Officer
LLO2	Local Laws Officer
MBEH	Manager Building and Environmental Health
MSPCL	Manager Statutory Planning, Compliance and Local Laws

3. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on **26 March 2024** pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;
4. the delegation:
  - 4.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 4.2 remains in force until varied or revoked;
  - 4.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
  - 4.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
5. this Instrument of Sub-Delegation is subject to the following limitations:
  - 5.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
    - 5.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
    - 5.1.2 noise from the construction, demolition or removal of residential premises;

6. the delegate must not determine the issue, take the action or do the act or thing:
- 6.1.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  - 6.1.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
    - (a) policy; or
    - (b) strategyadopted by Council;
  - 6.1.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
  - 6.1.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

**Instrument of Sub-Delegation to Members of Council Staff  
(Environment Protection Act 2017) – 26 March 2024**

THE COMMON SEAL OF THE  
ALPINE SHIRE COUNCIL was  
hereunto affixed this 26th day of  
March 2024 in the presence of:

.....  
COUNCILLOR NAME

.....  
SIGNATURE

.....  
COUNCILLOR NAME

.....  
SIGNATURE

.....  
CHIEF EXECUTIVE OFFICER NAME

.....  
SIGNATURE

# SCHEDULE

*ENVIRONMENT PROTECTION ACT 2017* ..... **1**



<b>ENVIRONMENT PROTECTION ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 271	Power to issue improvement notice	DCC, MBEH, MSPA, CPC, EHC, EHO, LLO, LLO2	
s 272	Power to issue prohibition notice	DCC, MBEH, MSPA, CPC, EHC, EHO, LLO, LLO2	
s 279	Power to amend a notice	DCC, MBEH, MSPA, CPC, EHC, EHO, LLO, LLO2	
s 358	Functions of the Environment Protection Authority	DCC, MBEH, MSPA, CPC, EHC, EHO, LLO, LLO2	
s 359(1)(b)	Power to do all things that are necessary or convenient to be done for or in connection with the performance of the Environment Protection Authority's functions and duties and to enable the Authority to achieve its objective.	DCC, MBEH, MSPA, CPC, EHC, EHO, LLO, LLO2	
s 359(2)	Power to give advice to persons with duties or obligations	DCC, MBEH, MSPA, CPC, EHC, EHO, LLO, LLO2	



## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

**Meeting Title:** Briefing Session  
**Date:** Tuesday 27 February 2024  
**Location:** Briefing Session – Bright Committee Room  
**Start Time:** 2.00pm  
**Finish Time:** 5.00pm  
**Chairperson:** Will Jeremy, Chief Executive Officer

### Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Mayor	Will Jeremy	Chief Executive Officer
Cr Simon Kelley	Deputy Mayor	Helen Havercroft	Director Customer & Community
Cr Ron Janas	Councillor	Alan Rees	Director Assets
Cr Tony Keeble	Councillor		
Cr Katarina Hughes*	Councillor		
Cr Sarah Nicholas	Councillor		

Attendance via virtual means\*

### Councillor and staff apologies:

Name	Position
Cr Kelli Prime	Councillor

### 1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

### 2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

### 3. Items

Item
Sports and Recreation Masterplan
Bright Skate Park Proposal
Murray to Mountains Rail Trail Enhancement Project and Activating Gravel Cycling Project
Ordinary Council Meeting Agenda Review



## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

**Meeting Title:** Briefing Session  
**Date:** Tuesday 12 March 2024  
**Location:** Briefing Session – Bright Committee Room  
**Start Time:** 2.00pm  
**Finish Time:** 5.30pm  
**Chairperson:** Will Jeremy, Chief Executive Officer

### Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Mayor	Will Jeremy	Chief Executive Officer
Cr Simon Kelley	Deputy Mayor	Helen Havercroft	Director Customer & Community
Cr Ron Janas*	Councillor	Alan Rees	Director Assets
Cr Tony Keeble	Councillor		
Cr Katarina Hughes*	Councillor		
Cr Sarah Nicholas	Councillor		

Attendance via virtual means\*

### Councillor and staff apologies:

Name	Position
Cr Kelli Prime	Councillor

### 1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

### 2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

### 3. Items

Item
Murray to Mountains Rail Trail Enhancement Project and Activating Gravel Cycling Project
Councillor submissions to draft 2024/25 Budget
Long Term Financial Plan and Budget Assumptions
Sports and Recreation Masterplans – Feedback
Capital Works Project Update
FOGO Implementation
Land Development Strategy



## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

**Meeting Title:** Briefing Session  
**Date:** Tuesday 19 March 2024  
**Location:** Briefing Session – Bright Committee Room  
**Start Time:** 2.00pm  
**Finish Time:** 5.30pm  
**Chairperson:** Will Jeremy, Chief Executive Officer

### Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Mayor	Will Jeremy	Chief Executive Officer
Cr Ron Janas	Councillor	Helen Havercroft <sup>+</sup>	Director Customer & Community
Cr Tony Keeble <sup>*+</sup>	Councillor	Alan Rees	Director Assets
Cr Katarina Hughes <sup>*</sup>	Councillor		
Cr Sarah Nicholas <sup>*</sup>	Councillor		

Attendance via virtual means\*

Not present for entire meeting +

### Councillor and staff apologies:

Name	Position
Cr Simon Kelley	Deputy Mayor
Cr Kelli Prime	Councillor

### 1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

### 2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

### 3. Items

Item
Budget – Community Budget submissions and Councillor Feedback Stage 2
Capital Budget 2024/25
Neighbourhood Character
Land Development Strategy – feedback
Contracts for Award
Community Interest Planning Applications
Ordinary Council Meeting Agenda Review
Draft Fees and Charges – as read
Draft Fair Access Policy – as read